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Indigenous issues: indigenous issues

Status of the United Nations Voluntary Fund for Indigenous Populations

Report of the United Nations High Commissioner for Human Rights*

Summary

The present report, submitted in accordance with General Assembly resolution 40/131, on the status of the United Nations Voluntary Fund for Indigenous Populations, indicates the activities undertaken with the resources of the Fund and shows income and expenditure as well as the pledges and payments made to the Fund. It updates the information contained in the previous biennial report (A/59/257) and reports on the eighteenth and nineteenth sessions of the Board of Trustees, held in 2005 and 2006, respectively.

* The submission of the report was delayed so as to reflect the most up-to-date information and to carry out consultations.



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I. Mandate of the Fund

1. The General Assembly, by its resolution 40/131 of 13 December 1985, established the United Nations Voluntary Fund for Indigenous Populations. The purpose of the Fund is to assist representatives of indigenous communities and organizations in participating in the deliberations of the Working Group on Indigenous Populations of the Subcommission on the Promotion and Protection of Human Rights by providing them with financial assistance, funded by means of voluntary contributions from Governments, non-governmental organizations and other private or public entities.¹

2. By its resolution 50/156 of 23 December 1995, the General Assembly extended the mandate of the Fund by deciding that the Fund should also be used to assist representatives of indigenous communities and organizations in participating in the deliberations of the open-ended intersessional Working Group of the Commission on Human Rights charged with elaborating a draft declaration on the rights of indigenous peoples, established by the Commission by its resolution 1995/32 of 3 March 1995 and endorsed by the Economic and Social Council in its resolution 1995/32 of 25 July 1995.

3. The General Assembly further extended the mandate of the Fund in its resolution 56/140 of 19 December 2001 by deciding that the Fund should be used to assist representatives of indigenous communities and organizations in attending, as observers, the sessions of the Permanent Forum on Indigenous Issues.

II. Administration and Board of Trustees

4. Pursuant to General Assembly resolution 40/131, the Fund is administered by the Secretary-General, in accordance with the relevant financial rules and regulations of the United Nations on general trust funds for humanitarian assistance and with the advice of a Board of Trustees, through the Office of the United Nations High Commissioner for Human Rights (OHCHR). OHCHR acts as the secretariat of both the Fund and the Board of Trustees.

5. The Board of Trustees is composed of five persons with relevant experience in issues affecting indigenous populations, who serve in their personal capacity as United Nations experts. The Board members are appointed by the Secretary-General, in consultation with the Chairperson of the Subcommission, for a three-year, renewable term.

6. The five members appointed for the term ending on 31 December 2008 are themselves indigenous representatives: Nadir Bekirov (Chairperson, Ukraine), Jannie Lasimbang (Malaysia), Lars Anders Baer (Sweden), Ahmed Mahiou (Algeria) and Tareila Rivera Zea (Peru).

¹ Pursuant to General Assembly resolution 60/251 of 15 March 2006, entitled "Human Rights Council", all mandates, mechanisms and responsibilities of the Commission on Human Rights, including the Sub-Commission, were assumed as from 19 June 2006 by the Human Rights Council.

III. Grant cycle

A. Admissibility of new applications and selection process

7. Applications for travel grants to attend the 2007 sessions of the Working Groups and the Permanent Forum must be submitted by the established deadline of 1 October 2006 to allow for analysis by the secretariat of the Fund and Board of Trustees. Admissible applications will be examined by the Board at its next session, in 2007. Information on the selection process and admissibility can be found in the previous report submitted to the General Assembly (A/59/257, paras. 9-12).

B. Monitoring and evaluation by the Board of Trustees and secretariat

8. Travel grants are closely monitored before and during the sessions of the Working Groups and the Permanent Forum. Beneficiaries are requested to provide a copy of any statement delivered as part of their reporting obligations and to complete two questionnaires on their participation upon return to their home countries.

9. At its annual session, the Board of Trustees reviews the status of all travel grants allocated in previous years, as well as the reports drafted by the secretariat analysing the questionnaires submitted by beneficiaries on their participation and follow-up activities.

10. The Chairman, or another Board member, and a representative of the secretariat attend the sessions of the Working Groups and the Permanent Forum in order to meet with all beneficiaries present and to assess the impact of their participation on the deliberations of the sessions.

IV. Eighteenth and nineteenth sessions of the Board of Trustees

11. The Board of Trustees held its eighteenth session from 28 February to 4 March 2005 (8 meetings) and its nineteenth session from 13 to 17 February 2006 (10 meetings).

12. The Board examined information prepared by its secretariat concerning the financial situation of the Fund; new contributions paid and pledges made by Governments since the seventeenth session; applications for new travel grants to attend the twenty-third and twenty-fourth sessions of the Working Group on Indigenous Populations, the eleventh session of the Working Group charged with elaborating a draft declaration on the rights of indigenous peoples of the Commission on Human Rights and the fifth session of the Permanent Forum on Indigenous Issues. The Board also met with representatives of donor Governments during its annual meetings with donors.

13. Grant recommendations made by the Board of Trustees at its eighteenth and nineteenth sessions were approved by the United Nations High Commissioner for Human Rights, on behalf of the Secretary-General, on 7 March 2005 and 1 March 2006, respectively.

A. Implementation of recommendations

14. The Board noted with satisfaction that all recommendations adopted at its seventeenth session (see E/CN.4/Sub.2/AC.4/2004/8) and eighteenth session (see E/CN.4/Sub.2/AC.4/2005/5) had been implemented by its secretariat.

B. Financial situation of the Fund

15. The table below indicates the contributions received for the attribution of grants at the eighteenth and nineteenth sessions of the Board of Trustees.

State, inter-governmental organization or individual ^a	Eighteenth session		Nineteenth session	
	Amount (United States dollars)		Date paid ^b	
Algeria	5 000		8 June 2004	
	5 000		31 January 2005	
Australia		17 698	22 December 2005	
Brazil		10 000	12 December 2005	
Canada	12 500		3 November 2004	
		9 880	22 March 2005	
Chile	1 000		6 August 2004	
		1 000	15 June 2005	
		3 000	13 October 2005	
		1 000	10 February 2004	
Denmark		53 193	16 March 2005	
Estonia	12 715		23 December 2004	
		11 297	23 December 2005	
Finland	34 898		24 September 2004	
		32 317	5 September 2005	
France		329 366	29 April 2005	
Japan		11 397	6 January 2006	
New Zealand	10 000		19 February 2004	
		10 000	4 February 2005	
Norway	43 617		1 April 2004	
	23 924		15 December 2004	
		47 330	11 April 2005	
Switzerland		115 537	4 January 2006	
Venezuela (Bolivarian Republic of)	15 000		3 November 2004	
Rivera Brooklin	273		23 September 2004	
Yorio Shukawa	313		13 April 2004	
	409		7 September 2004	
		417	28 April 2005	
Total	164 668	451 614		

^a According to official receipt vouchers available at OHCHR.

C. Consideration of new applications and recommendations for grants at the eighteenth session

16. The Board considered 193 admissible new applications for grants and recommended 25 travel grants for indigenous representatives to attend the twenty-third session of the Working Group on Indigenous Populations, held in Geneva from 18 to 22 July 2005, for a total amount of approximately \$80,800 (for the list of beneficiaries, see E/CN.4/Sub.2/AC.4/2005/5, annex IV).

17. The Board further considered 15 admissible new applications and recommended nine travel grants for indigenous representatives to attend the eleventh session of the Working Group charged with elaborating a draft declaration on the rights of indigenous peoples, held in Geneva from 5 to 16 December 2005 and its resumed session, from 30 January to 3 February 2006, for a total amount of approximately \$62,400 (for the list of beneficiaries, see E/CN.4/Sub.2/AC.4/2005/5, annex V).

18. In addition, the Board considered 256 admissible new applications and recommended 26 travel grants for indigenous representatives to attend the fourth session of the Permanent Forum, held in New York from 16 to 27 May 2005, for a total amount of approximately \$136,900 (for the list of beneficiaries, see E/CN.4/Sub.2/AC.4/2005/5, annex III).

Geographical area ¹	Working Group on Indigenous Populations ²		Working Group on a draft declaration		Permanent Forum	
	Number of applications	Number of beneficiaries	Number of applications	Number of beneficiaries	Number of applications	Number of beneficiaries
Africa	76	16	6	3	16	17
Americas	83	17	4	2	13	13
Asia	62	13	3	1	10	10
Europe	12	5	4	2	7	7
Total	193	28	15	9	256	28

¹ The geographical distribution reflects the applications received and not necessarily geographical distribution as used by the United Nations Secretariat and United Nations Regional Offices.

D. Consideration of new applications and recommendations for grants at the nineteenth session

19. The Board considered 177 new admissible applications and recommended 45 travel grants² for indigenous representatives to attend the twenty-fourth session of the Working Group on Indigenous Populations, held in Geneva from 31 July to 4 August 2006, for a total amount of approximately \$148,113 (for the list of beneficiaries, see E/CN.4/Sub.2/AC.4/2006/4, annex IV).

² The Board of Trustees initially approved 45 grants and placed 5 on a contingency list. The additional 5 beneficiaries were approved upon confirmation of the adoption of the Declaration on the Rights of Indigenous Peoples.

20. The Board further considered 15 new admissible applications and recommended 10 travel grants for indigenous representatives to attend the twelfth session of the Working Group charged with elaborating a draft declaration on the rights of indigenous peoples,² for a total amount of approximately \$46,900 (for the list of beneficiaries, see E/CN.4/Sub.2/AC.4/2006/4, annex V).

21. In addition, the Board considered 203 new admissible applications and recommended 46 grants for indigenous representatives to attend the fifth session of the Permanent Forum on Indigenous Issues, held in New York from 15 to 26 May 2006, for a total amount of approximately \$244,320 (for the list of beneficiaries, see E/CN.4/Sub.2/AC.4/2006/4, annex III).

Geographical area ¹	Working Group on Indigenous Populations		Working Group on a Draft Declaration		Permanent Forum	
	Number of applications	Number of beneficiaries	Number of applications	Number of beneficiaries	Number of applications	Number of beneficiaries
Africa	63	36	3	3	62	37
Americas	43	31	8	10	70	42
Asia and the Pacific	60	30	2	2	83	54
Europe and the Arctic	13	5	2	2	8	5
Total	177	45	15	10	203	46

¹ The geographical distribution reflects the applications received and not necessarily geographical distribution, as used by the United Nations Secretariat and United Nations legislative bodies.

22. The selection of beneficiaries reflects the admissible applications received, which might not be geographically balanced, as some countries submitted many applications and others submitted only a few, or none at all.

E. Other recommendations adopted by the Board of Trustees

1. Trust Fund database

23. The Board of Trustees recommended that the secretariat explore the possibility of developing a database containing relevant information on grants and beneficiaries, including information on their indigenous communities, the beneficiaries themselves and their respective organizations.

2. Dissemination of information on the Fund

24. The Board recommended that the secretariat of the Working Group on Indigenous Populations, at its annual session in 2006, continue to invite the Chairperson, or any other member of the Board, or of the secretariat of the Board and Fund, to deliver a statement introducing the report on the Fund.

On 29 June 2006, the Human Rights Council adopted the Declaration on the Rights of Indigenous Peoples by its resolution 2006/2 and recommended its adoption by the General Assembly. Therefore, no further session of the open-ended intersectoral Working Group of the Commission on Human Rights in charge of elaborating a draft declaration will be held.

25. During the sessions of the Working Groups and the Permanent Forum, the secretariat should continue to organize information meetings on the Fund for indigenous representatives.

26. The Board members emphasized the need to actively distribute the Fund's application forms as widely as possible, in particular in regions and countries that in the past have been underrepresented at sessions of the Working Groups and the Permanent Forum.

27. With a view to reaching a wider range of indigenous organizations, the Board recommended that the Indigenous Peoples and Minorities Unit of OHCHR explore various communication channels and develop a directory of indigenous organizations.

28. The Board recommended producing a publication on the Fund, based on the model of the Decade Fund, which would include general information on the history and work of the Fund. The publication should be produced in English, French, Spanish and Russian.

3. Future direction of the Fund

29. The members highlighted the fundamental importance of the Fund and the Board as an independent United Nations body that provides direct assistance to indigenous peoples and allows them to participate in United Nations meetings of vital importance for them. They underlined the fact that at present all the Board members were indigenous representatives themselves.

30. In the light of the importance of providing direct assistance to human rights projects by indigenous peoples, the Board recommended expanding the mandate of the Fund to include financial support for human rights projects, in addition to the provision of travel grants. The Board underlined the need to avoid duplication with other funds providing direct assistance to indigenous projects.

31. The Board recommended exploring the possibility of extending the mandate of the Fund to allow for grants to support indigenous peoples' participation in meetings of United Nations bodies other than the Working Groups and the Permanent Forum, in particular meetings of human rights treaty bodies.

4. Cost plan for 2007

32. The Board revised and approved the cost plan of the Fund for 2007, with envisaged expenditure amounting to \$733,600.

F. Fund-raising

33. The Board held its meeting with donors during its nineteenth session. Representatives of Algeria, Argentina, Australia, Austria, Azerbaijan, Brazil, Canada, Chile, Denmark, Ecuador, Estonia, Finland, France, Germany, Guatemala, the Holy See, Mexico, Norway, Pakistan, Peru, Spain, Sweden, Switzerland, Thailand, the United States of America, Venezuela (Bolivarian Republic of) and the European Commission attended. The Board expressed its appreciation for the donors' contributions to the Fund and their pledges.

34. Board members recommended sending a letter to donors in September 2006 appealing for additional contributions to be paid before its next session in order to allow it to increase further the number of grants and the representation of indigenous communities and organizations in 2007.

V. Implementation of decisions concerning travel grants

35. The secretariat of the Fund reports to the Board of Trustees at each annual session on the implementation of decisions made at its previous session and approved by the High Commissioner for Human Rights on behalf of the Secretary-General. The Board reviews the implementation of those decisions, and the secretariat reports annually on their implementation to the Commission on Human Rights and to the Working Group on Indigenous Populations and biennially to the General Assembly.

VI. Trends over the period 2005-2006

A. Number of applications received to attend the sessions of the Working Groups and the Permanent Forum

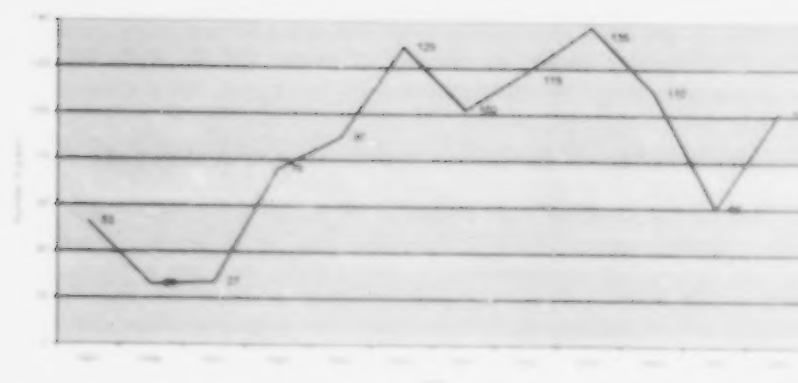
36. The table below shows a substantial increase in the number of admissible applications from 1997 (52) to 2006 (395). However, the period 2005-2006 has been marked by a slight decrease in the number of applications received.

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Working Group on Indigenous Populations	47	72	220	119	228	182	251	196	193	177
Working Group charged with elaborating a draft declaration on the rights of indigenous peoples	7	1	50	40	12	27	73	13	13	13
Permanent Forum on Indigenous Issues	—	—	—	—	—	323	208	246	236	200
Total	52	75	240	155	257	582	462	547	464	395

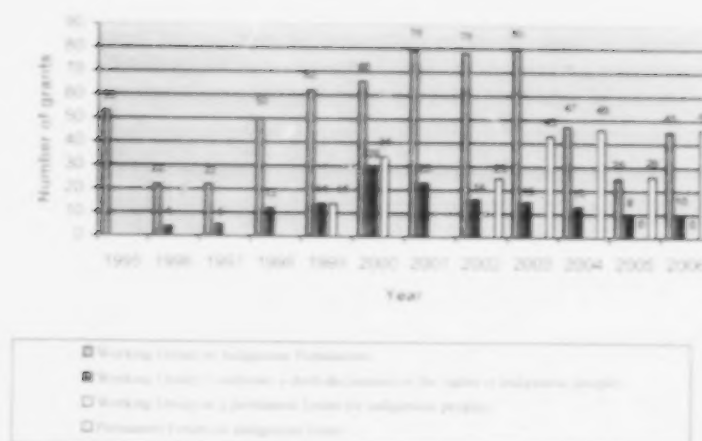
37. Every year, in addition to the admissible applications to attend the sessions of the two Working Groups and the Permanent Forum, the secretariat receives more than 150 applications that are not admissible, as they are not complete, do not fall within the mandate of the Fund or are received after the established deadline.

B. Annual allocation of travel grants

38. In 2006 the secretariat received a total of 395 admissible applications to attend the sessions of the two Working Groups and the Permanent Forum. With the resources available, it was able to allocate only 110 travel grants. Between 1995 and 2006 the Fund allocated grants as illustrated in the figure below:



39. The distribution of grants between 1995 and 2006, by sector, is represented as follows:



C. Contributions received by the Fund

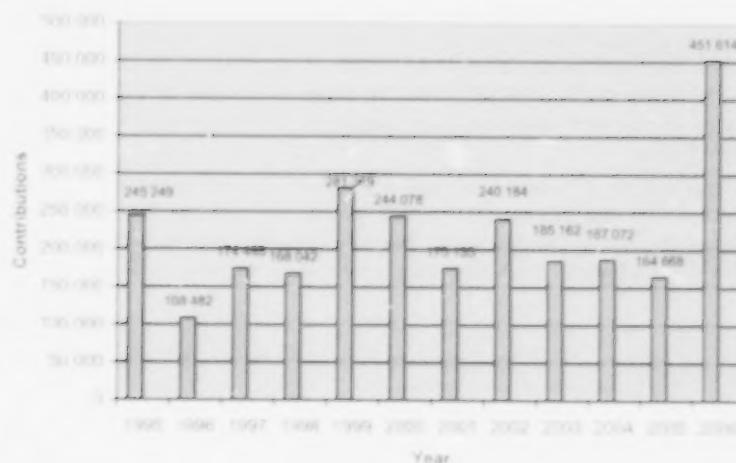
40. The Board can allocate travel grants on the basis of the contributions paid and duly registered by the United Nations Treasurer, as well as any balance remaining from previous years, as established by the United Nations Office at Geneva.

41. Since the creation of the Fund in 1985, its mandate has been expanded three times in response to developments and the changing realities of the United Nations system and indigenous peoples. The Board and the secretariat have reacted immediately to those new challenges so as to enable indigenous people to benefit from each new mandate, with the support of donors. Over the years, the General

Assembly and the regular donors to the Fund have viewed the Fund as an important tool in providing assistance to indigenous people and have recognized the accomplishments of its Board of Trustees in carrying out this task.

43. When the mandate of the Fund is extended, applications received from indigenous organizations and communities increase, and therefore the amount of contributions to meet the demand should also increase. The Fund and the Board can function effectively only if Governments that have not previously contributed to the Fund offer their support and regular donors increase their contributions, as the General Assembly has repeatedly requested.

44. The following figure shows the trend in contributions from 1995 to 2006, in United States dollars.



44. In 2006 there was a significant increase in the amount of contributions received.

D. Annual expenditure

45. In accordance with its mandate, the only expenditures encompassed annually under the United Nations Voluntary Fund for Indigenous Populations are travel grants for indigenous representatives to attend the sessions of the two Working Groups and the Permanent Forum. About \$30,000 is allocated every year for the organization of the session of the Board of Trustees in Geneva.

46. Additionally, in accordance with the United Nations financial rules and regulations governing the general trust funds for humanitarian assistance, 13 per cent of the envisaged expenditure is set aside to cover programming support costs and 15 per cent for the operating cash reserve.

VII. How to contribute to the Fund

47. Governments, non-governmental organizations and other private or public entities can contribute to the Fund. Information on how to contribute can be obtained from the secretariat at: United Nations Voluntary Fund for Indigenous Populations, Office of the United Nations High Commissioner for Human Rights, Palais des Nations, CH-1211 Geneva 10, Switzerland. Telephone: + (41) (22) 917 97 37; + (41) (22) 917 91 64; Facsimile: + (41) (22) 917 90 66; e-mail: IndigenousFunds@ohchr.org.

VIII. Recommendations

48. The Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations foresees the need to receive an additional \$733,600 prior to the start of the twentieth session of the Board, scheduled to be held from 26 February to 2 March 2007, in order to be able to satisfy a sufficient number of the new applicants envisaged for 2007 and to fulfil its mandate satisfactorily.

49. The Board of Trustees strongly encourages Governments that have not yet contributed to the Fund to do so, and encourages donors to contribute to the Fund by the end of 2006 in order that the contributions may be duly recorded by the United Nations Treasurer in advance of the annual session of the Board.





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Programme budget for the biennium 2006-2007

**Renovation to the residence of the Secretary-General:
revised estimates to the programme budget for the
biennium 2006-2007**

Report of the Secretary-General

Summary

The present report outlines the current conditions of the residence of the Secretary-General, the renovation work needed and the related resource requirements. The last significant renovation made to the residence dates back to 1950. The ageing of the building and obsolescence of its mechanical, plumbing, heating and cooling systems have resulted in malfunctions requiring increasingly frequent emergency repairs. An immediate major structural renovation of the premises is proposed. The proposed total requirement for the renovation is estimated at \$4,490,400 and would require additional resources under the programme budget for the biennium 2006-2007.

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I. Introduction

1. The residence of the Secretary-General was originally constructed in 1921 for Anne Morgan, daughter of New York financier J. P. Morgan and acquired by the United Nations through a donation in 1972. The residence is a neo-Georgian attached townhouse, built of timber framing and faced with brick, with four full floors and a basement, totalling 14,000 square feet (1,300 square metres).

2. The last significant renovation of the residence in 1950 did not address the mechanical, electrical, plumbing, heating and cooling systems, which have since deteriorated significantly. The ageing of the building, coupled with obsolete mechanical systems, has resulted in severe malfunctions, requiring increasingly frequent emergency repairs and poses safety hazards. A major structural renovation of the residence is urgently required in order to provide the Secretary-General with the necessary safe and secure living environment that is cost-effective to maintain. Recent security threat events have further highlighted the need to strengthen the telecommunications and security equipment installations in place at the residence, which for practical reasons and for efficiency should be implemented in conjunction with the proposed structural renovation of the premises.

3. The completion of the tenure of the current Secretary-General at the end of 2006 offers a unique opportunity in terms of logistics and practical timing to initiate the proposed renovation to the residence.

II. Condition of the premises and operational deficiencies

4. Building equipment systems malfunctions have been occurring with increasing frequency at the residence, often requiring emergency repairs and temporary solutions that are inefficient and costly for the Organization. Aside from inconveniencing its occupants, the condition of the building poses safety hazards.

5. The building's heating system operates with commercial steam, and the piping and fittings that distribute the steam throughout the house are heavily corroded. They are original to the construction of the building and need to be replaced urgently. Steam leaks have been occurring with increasing frequency and magnitude, which leads to the deterioration of furnishings, plaster walls and underlying structure, which further undermines the condition of the building over time. Dissipating these leaks has required the use of several high-powered fans, which tend to overload the existing electrical circuit, causing power outages in the house. This is a highly inefficient temporary remedial measure.

6. Water leaks are also a frequent occurrence at the residence, as the plumbing system that supplies water and sewage services is deteriorating and leaking, which in turn increases the potential for further structural damage. Most of the brass or galvanized steel piping and fittings are original and no longer meet the recommended industry standard. With the exception of repairs done where limited renovations (bathroom and kitchen) prompted the replacement of small portions of plumbing lines, there has been no major upgrade or replacement of the plumbing system since the building was constructed.

7. Another frequent problem is power outages throughout the house caused by an insufficient number of electrical circuits. With the increase in power requirements of

domestic and office telecommunications and security-related equipment, the electrical circuits have become overloaded. The threat of electrical fire has also been increasing as the existing main electrical wiring, now more than 85 years old, is undersized for current standards and usages and is hindered by deteriorating fabric insulation. Recent electrical installations have incorporated a limited amount of new wiring, but without a complete overhaul afforded only by opening up all the walls, these problems, and related hazards, cannot be adequately addressed.

8. The existing telephone system at the residence is more than 10 years old and has exceeded its useful life. The installed telecommunication system is technologically obsolete, and therefore cannot support the features and functions required of a modern and secure home office communications system. A new system, with the related cabling infrastructure, is needed that will provide for connectivity between the residence and Headquarters and will support high-speed data and video communications.

9. In addition to the operational and mechanical deficiencies described above, the building has a number of outdated systems that are in disrepair, do not meet local building codes or are inefficient. An inefficient air conditioning system, which requires the seasonal installation and removal of window-mounted air conditioning units and self-contained fan-coil units throughout the house, provides inconsistent climate conditions throughout. An obsolete hot-air ducting heating system and kitchen exhaust system cannot be maintained and present a potential fire hazard. The elevator unit in the residence violates New York City safety code. Moreover, the building possesses a variety of inefficient, poorly operating and obsolete equipment. Also, the public areas of the residence, in which the Secretary-General receives high-level officials, require refurbishment.

10. Security gaps at the residence have also been identified by the Department of Safety and Security and need to be addressed. For example, the physical security operating systems do not comply with the currently established security strengthening guidelines; security of perimeter entrances and the immediate area surrounding the residence need improvements; and issues related to historical preservation of the building's external facade, which affect standard security operating procedures, necessitate modifications to the interior of the residence.

III. Renovation and regular maintenance of the residence

11. Since the United Nations acquired ownership of the property, the Organization has undertaken regular maintenance, as well as critical renovation and upgrade works, with annual expenditures of approximately \$60,000. Notwithstanding the limited expenditure amounts, the near-continual occupancy of the property has made any comprehensive renovation practically impossible. Over the past 15 years, aside from routine maintenance work, repairs and critical renovations to the residence have focused on isolated projects undertaken on an ad hoc basis to remedy emergency situations. For example, minor upgrades during transitions of Secretaries-General, include security installation upgrades, roof replacement, regrouting of the brick facing of the external building facade to halt water penetration, window replacements and the refurbishment of bathrooms.

12. The mechanical systems at the residence have outlived their standard life span and a reactive approach to maintenance is no longer sustainable. Over the past

bienniums, the Organization has spent approximately 1,100 hours of labour (HVAC, plumbing and electrical) to address deficiencies at the residence.

13. In addition to maintaining the physical condition, safety and security installations at the residence were performed in the context of strengthening the safety and security of the United Nations premises. The upgrade included the installation within the residence of an extensive sensor system able to detect smoke, heat, water, carbon monoxide, gas, motion, and glass breaks and also the installation of blast proof films on windows. While those installations addressed critical safety issues and the detection of unauthorized entries, additional security measures are required to ensure adequately the security of the Secretary-General and his/her family.

IV. Proposed additional resource requirements for the biennium 2006-2007

14. It is proposed that the United Nations undertake a significant renovation of the residence, which would include the replacement of the most critical building equipment systems, the refurbishment of the public areas used to entertain high-level dignitaries and heads of State and the upgrading of security installations. The completion of the tenure of the current Secretary-General at the end of 2006 presents a unique opportunity to carry out the proposed renovation in unoccupied premises, which would facilitate a more cost-effective, unimpeded construction access to the premises, allowing various construction works to be performed simultaneously. The time period for implementation of the renovation is estimated at nine months, from January to September 2007, subject to favourable consideration of the proposed renovation by the Sutton Place Association.

15. The proposal would require that the new Secretary-General be accommodated in temporary quarters during the renovation period. It is further envisaged that the current security coverage at the residence would be maintained during the construction period to prevent unauthorized entry or security threat to the facility, and, in addition, security measures would be put in place at the temporary accommodation of the Secretary-General.

16. The total additional requirement for the biennium 2006-2007 is estimated at \$4,490,400. The breakdown of the requirement is presented below.

Table 1
Requirements by budget section

(Thousands of United States dollars)

Budget section	2006-2007 initial appropriation	Proposed changes		Total
		Amount	Percentage	
Section 1, Overall policymaking, direction and coordination	74 813.5	202.5	0.3	75 016.0
Section 32, Construction, alteration, improvement and major maintenance	74 841.3	4 287.9	5.7	79 129.2
Total	149 654.8	4 490.4	3.0	154 145.2

17. The amount of \$4,490,400 relates to non-post requirements under section 1, Overall policymaking, direction and coordination (\$202,500), and section 32, Construction, alteration, improvement and major maintenance (\$4,287,900). The amount of \$202,500 under section 1 relates to a one-time requirement for the provision of temporary accommodation for the incoming Secretary-General and his/her family.

18. The one-time requirement amount of \$4,287,900 under section 32, Construction, alteration, improvement and major maintenance, would provide for the proposed renovation and security upgrade of the residence as itemized in the table below.

Table 2

**Cost estimate for renovation and security upgrade under section 32,
Construction, alteration, improvement and major maintenance**

(United States dollars)

A. Renovation design and construction costs	
Architectural and engineering fees	397 000
Central HVAC system	2 100 000
Electrical system upgrade	250 000
Kitchen upgrade	200 000
Entry hall restrooms refurbishment	100 000
Phone system replacement and upgrade	65 000
Public areas repairs and upgrade	425 000
Miscellaneous and landscaping	100 000
Subtotal	3 637 000
B. Security upgrades	
Access control package	85 000
Physical control system and alterations	263 500
Digital video recording system and additional cameras	137 700
Specialized monitoring sensor system	148 800
Time device and replacement monitors	8 000
Fire system upgrades with Headquarters connectivity	7 900
Subtotal	650 900
Total	4 287 900

19. Based on the above estimates, excluding the security upgrades, the cost per square foot would be approximately \$255. As a measure of comparison, high-end residential renovation projects in Manhattan typically average \$350 per square foot and up to \$500 per square foot for luxury projects.

20. In addition to the above one-time requirements, there would be recurring annual cost items estimated in the amount of \$54,500 as detailed in table 3, below. The requirement will be presented to the General Assembly in the context of the

proposed programme budget for the biennium 2008-2009. The recurring annual cost of \$4,800 under section 28D, Office of Central Support Services, would provide for the provision of voice data and video connectivity at the residence (\$3,600) and Internet wideband services (\$1,200). The recurring annual cost of \$49,700 under section 33, Safety and security, would provide for the maintenance costs of the proposed security-related equipment installations at the residence.

Table 3

Recurring costs for appropriation, 2008-2009

(United States dollars)

Section 28D, Office of Central Support Services	4 800
Section 33, Safety and security	49 700
Total additional requirements	54 500

V. Conclusions and recommendations

21. It is proposed to undertake a significant renovation of the residence. The approval by the General Assembly of the proposed renovation of the Secretary-General's residence would require resources amounting to \$4,490,400 under the programme budget for the biennium 2006-2007.

22. The additional requirements of \$4,490,400 would arise under the budget sections summarized in table 4 below.

Table 4

Additional requirements for appropriation, 2006-2007

(United States dollars)

Section 1, Overall policymaking, direction and coordination	202 500
Section 32, Construction, alteration, improvement and major maintenance	4 287 900
Total additional requirements	4 490 400

VI. Action to be taken by the General Assembly

23. The General Assembly may wish:

(a) To approve renovation of the residence of the United Nations Secretary-General;

(b) To authorize the Secretary-General to enter into commitments up to an amount of \$4,490,400 under the programme budget for the biennium 2006-2007, comprising \$202,500 under section 1, Overall policymaking, direction and coordination, and \$4,287,900 under section 32, Construction, alteration, improvement and major maintenance, and to report on expenditures in the context of the second performance report for the biennium 2006-2007.





**General Assembly
Security Council**

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General Assembly
Sixty-first session
Agenda items 44, 55 (c) and 100

Security Council
Sixty-first year

Culture of peace

Globalization and interdependence: culture
and development

Measures to eliminate international terrorism

**Letter dated 14 September 2006 from the Permanent
Representative of Kazakhstan to the United Nations
addressed to the Secretary-General**

I have the honour to transmit herewith the text of the declaration adopted by the participants in the Second Congress of Leaders of World and Traditional Religions, which was held in Astana on 12 and 13 September 2006.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 44, 55 (c) and 100, and of the Security Council.

(Signed) Yerzhan Kh. Kazykhanov
Ambassador

Permanent Representative of the Republic of Kazakhstan
to the United Nations



Annex to the letter dated 14 September 2006 from the
Permanent Representative of Kazakhstan to the United
Nations addressed to the Secretary-General

Declaration of the Second Congress of Leaders of World
and Traditional Religions

We, the leaders of world and traditional religions, gathered at our Second Congress in Astana, the capital of Kazakhstan:

- building on the success of the First Congress, which took place in the city of Astana on 23-24 September 2003 and engaged internationally recognized world religious leaders in an important initiative of inter-religious dialogue;
- wishing to help strengthen mutual understanding between cultures, religions and ethnic groups which form the basic components of world civilizations, and aiming to prevent conflicts based on cultural and religious differences;
- acknowledging that religion, having always been a fundamental element of human life and society has, at the beginning of the new century, assumed a significant new role in establishing and preserving peace;
- recognizing the great responsibility held by religious leaders for spiritual teaching and advocacy on behalf of current and future generations, and their vital role in establishing a spirit of mutual respect, understanding and acceptance in the face of new challenges;
- underlining the unique character of every religion and culture, and considering cultural and religious diversity to be an important feature of human society;
- expressing concern about increasing inter-religious and interethnic tensions in the world deriving from the exploitation of religious and national differences as a justification for violence which causes suffering to innocent victims;
- stressing that extremism and fanaticism find no justification in a genuine understanding of religion and that the vocation of all religions demands the refusal of violence and appeals to respect and peaceful co-existence with peoples and religions;

- believing that the difficulties in inter-religious and intercultural relations are related both to a fundamental imbalance in international politics, economics, social, humanitarian and information resources, and to the manipulation of religion for political ends;
- discussing and debating the above-mentioned concerns within the main theme of the Congress - **"Religion, society and international security"** in the context of two special blocs;

I. "Freedom of religion and recognition of others";

II. "Role of religious leaders in enhancing international security"

appeal to people of all religions and people of good will across the globe, and:

- call upon them to abandon enmity, discord and hatred; and embrace common respect and generosity, recognizing the reality of cultural, religious and civilizational diversity;
- declare our determination together to tackle and ultimately eliminate prejudice, ignorance and misrepresentation of other religions by placing particular focus on what religions hold in common as well as what distinguishes them;
- condemn all forms of terrorism on the basis that justice can never be established through fear and bloodshed and that the use of such means in the name of religion is a violation and betrayal of any religion that appeals to human goodness and dialogue;
- reject all false inventions and wrongly created stereotypes about the violent nature of religions and attempts to attribute terrorism to any particular religion;
- call upon all to work together to address and eliminate all causes of terrorism, thus promoting human flourishing, dignity and unity;
- declare our rejection of any form of pressure or violence to convert followers of one religion to another;
- reaffirm the pivotal role of education, youth policy and cultural activity for understanding, solidarity and social cohesion.

We also call upon the global community, international and regional organizations, states and governments all over the world to:

- actively support the process of intercivilizational dialogue; exert sustainable efforts towards creating a culture of peace, strengthening its principles as a firm basis of international politics and the life of all people;
- work to establish a more fair world, to consolidate international law and justice, and to implement UN resolutions and signed international agreements, and to find effective means of establishing peace and security all over the world;
- heed the voices of victims of oppression and terrorism and use all means to seek a just settlement of the existing conflicts, thus addressing the grievances that nurture violence;
- reject totally the development, production and possession of weapons of mass destruction and promote the strengthening of non-proliferation regimes;
- respect and protect the sanctity of religious symbols and places and take appropriate measures.

Based upon the abovementioned, we, the leaders of world and traditional religions, RESOLVED TO:

- take concrete collective measures for encouraging and highlighting positive perceptions of inter-religious relations by organizing joint meetings, seminars and addresses in the mass media, the Internet and other places of influence;
- strongly promote interreligious tolerance among younger generations to make them more devoted to dialogue and encourage them recognize universal values;
- integrate questions of the dialogue between civilizations and religions into curricula at all educational levels with a view to helping young people to respect and understand religious and cultural difference without hostility;

- use our spiritual influence, authority and resources to further establish peace, security, stability and contacts between each other in order to make a combined contribution to the prevention and resolution of disputes among different religious communities;
- offer our experience and best efforts to governments and people or groups and powers involved into conflicts in order to assist them in easing tensions, forming where appropriate joint delegations to conduct negotiations with them;
- commit to make efforts to promote and realise the goals stated in this Declaration, and to assign the Congress Secretariat to propose a plan for the best possible translation of these recommendations into reality;
- conduct the Congress of religions on a permanent basis and hold the third Congress of the leaders of world and traditional religions in 2009. For the Secretariat to present proposals on time and place of the next forum;
- bring to the attention of the General Assembly of the United Nations the conceptual and practical role performed by the Congress in promoting dialogue among civilizations, cultures and religions and its considerable achievements in interreligious understanding, inviting support for the further activity of the Congress.



General Assembly

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Sixty-first session

Agenda item 27

**Protracted conflicts in the GUAM area and their implications
for international peace, security and development**

**Letter dated 22 September 2006 from the Permanent
Representative of the Republic of Moldova to the United Nations
addressed to the Secretary-General**

Upon instructions from my Government, I have the honour to transmit herewith the official statement of Mr. Vladimir Voronin, President of the Republic of Moldova, issued on 21 September 2006, on the agenda of the sixty-first session of the General Assembly (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly at its sixty-first session, under agenda item 27.

(Signed) **Alexei Tulbure**
Ambassador
Permanent Representative



Annex to the letter dated 22 September 2006 from the Permanent Representative of the Republic of Moldova to the United Nations addressed to the Secretary-General

[Original: Russian]

Statement by Mr. Vladimir Voronin, President of the Republic of Moldova, on inclusion of the item "Protracted conflicts in the GUAM area and their implications for international peace, security and development" in the agenda of the sixty-first session of the General Assembly

21 September 2006

The sixty-first session of the United Nations General Assembly is of special significance for the Republic of Moldova. For the first time Moldova, together with its GUAM partners has succeeded in placing on the agenda of the General Assembly an issue related to the most serious political problems of the region. The very fact that the issue of protracted conflicts in the Black Sea region and the southern Caucasus region and their impact on international peace and security has been placed on the agenda indicates that the time is ripe for this subject to be discussed at the global level, in the most authoritative international forum in the world.

We considered it very odd indeed that in the United Nations, one of whose main goals is to maintain peace and stability and to prevent, resolve and overcome the consequences of armed conflicts in the world, "frozen" conflicts in the post-Soviet area were not being discussed at all. This situation has done little to help the efforts to find a solution to these severe political problems, including, of course, a peaceful and just resolution of the Transnistrian issue. What has happened, at the global level, is that protracted or "frozen" conflicts have been turning into forgotten conflicts. But we have finally succeeded in tearing down the wall of silence. The world will learn the truth about these conflicts in our countries. The world will learn the truth, which will ring out from the highest rostrum in the world, the rostrum of the United Nations General Assembly. A whole series of documents on the actual situation in the Transnistrian region of the Republic of Moldova has already been submitted to the members of the world body, and, significantly, have become official United Nations documents. And this is only the beginning.

The goal of our efforts at the United Nations is not to change the current format of negotiations for settlement of the Transnistrian problem, nor to reject the constructive proposals made at various times by co-chairpersons and observers of the negotiating process, which the Republic of Moldova has greatly appreciated. Our goal is to inform the entire international community of the truth about what is happening in areas of "frozen" conflicts; what is going on in Transnistria, the nature of this conflict, the substance of official initiatives advanced by the Government in Chisinau, the current prospects for a final resolution of this conflict, the role of various participants in the settlement process and why it has gone on unresolved for so many years. We also intend to speak from the United Nations rostrum about the risks and the danger of the continued existence of conflict zones in the Black Sea region and in the southern Caucasus, human rights violations in the territories under the control of separatist regimes, the lost generations of young men and women who

have grown up under dictatorship where fundamental freedoms have been ruthlessly repressed, the lamentable situation of children and the elderly in conflict zones and the danger of environmental and man-made disasters in areas where munitions and weapons belonging to another country are stored and warehoused unregulated.

We see our task as that of tearing down the wall of silence which surrounds the Transnistrian conflict at the global level and mobilizing the enormous and varied potential of the United Nations, which may be capable of giving fresh impetus to the process of finally resolving "frozen" conflicts in the post-Soviet area. I earnestly hope that in doing so we will be able to consolidate all the noble efforts of the international community, and finally achieve a peaceful, just and definitive settlement of the Transnistrian problem.



General Assembly

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Sixty-first session

Agenda item 70

Report of the International Court of Justice

Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to paragraph 16 of the Revised Terms of Reference, Guidelines and Rules of the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice (A/59/372, annex), and is subsequent to the report submitted to the General Assembly at its sixtieth session (A/60/330).

II. Mandate

2. The Trust Fund was established in 1989 under the Financial Regulations and Rules of the United Nations following consultations with the President of the International Court of Justice. In accordance with the Revised Terms of Reference, financial assistance is to be provided to States for expenses incurred in connection with (a) a dispute submitted to the Court by way of a special agreement, on the basis of Article 36, paragraph 1, of its Statute; (b) a dispute submitted to the Court by way of an application on the basis of Article 36, paragraphs 1 and 2, of its Statute, provided certain conditions are fulfilled (see A/59/372, annex, para. 6 (ii)); or (c) the execution of a judgment of the Court.

III. Beneficiaries

3. Subject to the requirements of paragraph 6 of the Revised Terms of Reference, an application for financial assistance from the Fund may be submitted by any State Member of the United Nations, any other State party to the Statute of the



International Court of Justice or any State not party to the Statute of the Court having complied with Article 35, paragraph 2, of the Statute.

4. During the period under review (1 July 2005 to 30 June 2006), the Fund did not receive any application.

IV. Contributions

5. Voluntary contributions to the Fund may be made by States, intergovernmental organizations, national institutions and non-governmental organizations, as well as natural and juridical persons.

6. During the period under review, States contributed to the Fund as follows:

<i>State</i>	<i>(Amount) (United States dollars)</i>	<i>Financial year</i>
Belgium	119 445.57	2005
Finland	23 538.00	2005
Norway	11 975.00	2005
Mexico	5 000.00	2005
Total	159 958.57	

7. As at 30 June 2006, the total balance of the Fund was \$2,245,702.85. This amount excludes awards that have already been paid.

V. Needs assessment

8. The Charter of the United Nations, in Article 1, paragraph 1, recognizes the settlement of international disputes "by peaceful means, and in conformity with the principles of justice and international law" as one of the basic purposes of the United Nations and as an essential tool for the maintenance of international peace and security. The Court is the principal judicial organ of the Organization. As noted above, the Fund was created with a view to facilitating a decision by parties to a dispute to seek judicial settlement of their dispute through the Court. As noted in my previous reports, despite numerous appeals, the Fund has had a decreasing level of resources since its inception. While I am grateful to those Member States which contributed during the period under review, I note that the number of contributions remains low. Thus, I strongly urge all States and other relevant entities to give serious consideration to making contributions to the Fund, not only in a substantial manner but also on a regular basis.

VI. How to contribute

9. Voluntary contributions to the Fund can be made by bank transfer or by cheque. Cheques should be to the order of the United Nations General Trust Fund, indicating "ICJ Trust Fund (TJA)" in the reference field, and sent to:

Contributions Service
United Nations
New York, NY 10017
United States of America

For bank transfer details, please contact the United Nations Treasury (telephone: + 1 212 963 5801; fax: 1 212 963 2086).

10. For any additional information, please contact the Office of the Legal Counsel, Office of Legal Affairs (telephone: + 1 212 963 5350; fax: + 1 212 963 6430).



General Assembly

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Agenda items 117 and 125

Programme budget for the biennium 2006-2007

United Nations common system

**Administrative and financial implications of the decisions
and recommendations contained in the reports of the
International Civil Service Commission for 2005 and 2006**

**Statement submitted by the Secretary-General in accordance with
rule 153 of the rules of procedure of the General Assembly***

Summary

The present statement, submitted pursuant to rule 153 of the rules of procedure of the General Assembly, details the administrative and financial implications of the decisions and recommendations of the International Civil Service Commission on the common system, in particular their implications for the programme budget of the United Nations for the biennium 2006-2007. The recommendations and decisions of the Commission giving rise to requirements under the regular budget for the current biennium will be taken into consideration in the preparation of the first performance report for the biennium 2006-2007.

* The present statement of implications could be produced only after the receipt of the report of the International Civil Service Commission for 2006.



I. Introduction

1. The annual reports of the International Civil Service Commission for 2005¹ and 2006² contain specific decisions and recommendations with financial implications for the programme budget for the biennium 2006-2007 related to the following issues:

(a) Conditions of service of staff in the Professional and higher categories

(i) Base/floor salary scale and staff assessment scale;³

(ii) Post adjustment matters;⁴

(b) Conditions of service applicable to both categories of staff

(i) Education grant: review of the level;⁵

(ii) Hazard pay;⁶

(c) Conditions of service of staff in the General Service and related categories: survey of best prevailing conditions of employment in New York.⁷ The report for 2005 (paras. 256 and 259) and the report for 2006 (paras. 159-160) of the Commission also contain decisions and recommendations involving financial implications for the United Nations system organizations, which, however, would have no financial implications for the United Nations programme budget.

II. Conditions of service of staff in the Professional and higher categories

A. Base/floor salary scale

2. The General Assembly, in section I.H of its resolution 44/198 of 21 December 1989, established a floor net salary scale for staff in the Professional and higher categories by reference to the corresponding net salary levels of officials in comparable positions serving in the base city of the comparator civil service (the federal civil service of the United States of America).

3. The cumulative movement of the United States federal civil service net salaries in Washington, D.C., the current comparator, increased by 4.57 per cent as from 1 January 2005. As a result, the comparator's reference salary (GS-13/GS-14 salary levels) was 4.57 per cent higher than the net salary of a P-4/V1 in the current United Nations base/floor salary scale. In accordance with the approved procedures and past practices, this would call for an upward adjustment of 4.57 per cent in the common system salary scale for staff in the Professional and higher categories, with

¹ *Official Records of the General Assembly, Sixtieth Session, Supplement No. 30 and corrigendum (A/60/30 and Corr.1).*

² *Ibid., Sixty-first Session, Supplement No. 30 (A/61/30).*

³ *Ibid.*, paras. 90-95.

⁴ *Ibid.*, paras. 129-130.

⁵ *Ibid.*, paras. 59 and 62.

⁶ *Ibid., Sixtieth Session, Supplement No. 30 and corrigendum (A/60/30 and Corr.1), paras. 146-147.*

⁷ *Ibid., Sixty-first Session, Supplement No. 30 (A/61/30), para. 165.*

effect from 1 January 2007. This consolidated recommendation of 4.57 per cent includes the proposed increase recommended in the report of the Commission for 2005. The increase in the base/floor salary scale would be implemented through the standard method of consolidating post adjustment multiplier points on a no-loss/no-gain basis.

4. The annual financial implications resulting from the above-mentioned adjustment of the base/floor salary scale for the United Nations and other participating organizations of the common system have been calculated by the Commission to be \$808,800, broken down as follows:

- (a) For duty stations with low post adjustment that would otherwise fall below the level of the new base/floor: none;
- (b) In respect of mobility/hardship allowance: none;⁸
- (c) In respect of the scale of separation payments: \$808,800.

5. The financial implications of the above recommendation for the United Nations programme budget for 2007 have been estimated at \$355,600.

B. Matters relating to post adjustment

6. Comprehensive place-to-place surveys are conducted periodically at all duty stations by the Commission secretariat. In 2005, place-to-place surveys were conducted in Geneva, London, Madrid, Montreal, Paris, Rome, Vienna and Washington, D.C. In addition, a price-collection exercise, which is the basis of the post adjustment system, was carried out in New York.

7. In February 2006, the Advisory Committee on Post Adjustment Questions, at its twenty-eighth session, examined the results of the surveys and made its recommendations to the Commission for consideration. The post adjustment multipliers resulting from the surveys conducted at the above-mentioned locations were calculated, with effect as from 1 April 2006, based on the exchange rate applicable at those locations at that time.

8. Having examined the proposals of the Advisory Committee on Post Adjustment Questions, the Commission decided to approve the results of the 2005 place-to-place surveys for the above-mentioned duty stations and to take them into account in determining the respective post adjustment classifications, with effect from 1 April 2006. The estimated financial implications based on the implementation of the survey results for the common system, effective 1 April 2006, amount to \$19,000,000 per year.

9. The financial implication of the above recommendation for the United Nations programme budget has been estimated at \$3,096,000 for the biennium 2006-2007.

⁸ As the new mobility and hardship scheme would be de-linked from the base/floor salary scale, should the General Assembly approve the new arrangements, this item will no longer be included in future calculations. If the mobility and hardship allowance were not de-linked in January 2006, the financial implications for the common system would be \$2.38 million for 2006 (see para. 107 of the Commission's report for 2005).

III. Conditions of service applicable to both categories of staff

A. Review of the level of the education grant

10. Based on the methodology approved by the General Assembly in its resolution 52/216, section III.A, the recommendations to the Assembly decided on by the Commission are contained in paragraphs 62 and 63 of its report for 2006.

11. The annual financial implication of the Commission's recommendations for the organizations of the common system has been estimated at \$2,200,000.

12. The annual financial implication of the recommendation for the United Nations programme budget for the biennium 2006-2007 has been estimated at \$830,500.

B. Hazard pay

13. On the basis of its 2005 review of the level of hazard pay for both categories of staff, the Commission decided to increase the level of hazard pay granted to internationally recruited staff from \$1,000 to \$1,300, effective 1 January 2006. The Commission also decided that the current level of hazard pay for locally recruited staff (25 per cent of the midpoint of the local salary scale for General Service staff) should remain unchanged. The Commission also reiterated its commitment to the principle of hazard pay and expressed its appreciation for the dedication and commitment of all those staff working in hazardous conditions.

14. The total annual financial implications of that decision for the United Nations and other participating organizations of the common system have been estimated by the Commission at \$17,300,000 on the basis of figures for July 2005.

15. Over the last four years the Organization has experienced a significant expansion in the number and scope of its special political missions, particularly those deployed in high-risk areas. Accordingly, in estimating the implications of the proposed increase in the level of hazard pay granted to international staff, the Secretariat utilized its most recent statistical information on the number of staff deployed in the field in the context of special political missions. At present, about 923 posts for internationally recruited staff have been utilized in special political missions at duty stations classified as hazard-pay duty stations. On the basis of those statistics, the financial implications for the United Nations programme budget for the biennium 2006-2007 have been estimated at \$3,322,800, assuming that the revised level would become effective 1 January 2007.

C. Common scale of staff assessment

16. The examination undertaken by the Commission during its sixty-second session of the changes made in taxes at the eight headquarters duty stations indicated minimal increases or decreases in the average taxes at the relevant income levels between 2003 and 2005.

17. The Commission decided to report to the General Assembly that the current common scale of staff assessment used in determining the pensionable remuneration levels of the Professional and higher categories and the General Service and related categories should continue to apply. The Commission also indicated its intent to review the scale every five years or at the time of the next comprehensive review of pensionable remuneration, whichever comes first.

IV. Conditions of service of staff in the General Service and related categories: survey of the best prevailing conditions of employment in New York

18. The General Assembly, in section II, paragraph 2, of its resolution 52/216 of 22 December 1997, endorsed the recommendations of the Commission on refinements and modifications to the methodologies used in conducting surveys of best prevailing conditions of employment at Headquarters and non-headquarters duty stations.

19. In November 2005, the Commission conducted surveys of the best prevailing conditions of employment for staff in the General Service and related categories in New York. In accordance with the Commission's decisions, no separate surveys were conducted in respect of the language teacher and public information assistant categories. Instead, the percentage resulting from the General Service survey was applied to adjust the salary scales of those two categories. The Commission also decided to discontinue, for future rounds, separate surveys of the Security Service and the Trades and Crafts categories and to apply to them the same salary adjustment procedure as the one applicable to General Service staff, language teachers and public information assistants. For the present exercise, separate survey results for the Security Service category were used, while the salaries of the Trades and Crafts category were adjusted by the same percentage as that established for the General Service category.

20. It should be noted that an interim salary adjustment of 3.75 per cent was granted to the General Service and related categories in May 2005 as an exceptional measure in view of the delayed start of the data-collection exercise.

21. The recommended salary scales for the General Service, Trades and Crafts, language teacher and public information assistant categories are 1.74 per cent higher than the current scales. The recommended salary scale for the Security Service is 3.87 per cent above the current scale.

22. The Commission also recommended revised rates for dependency allowance for those categories. The recommended levels of the allowance are lower than the current rates. The revised rates will be applicable only in respect of children, dependent spouses or secondary dependants for whom dependency allowances have become payable on or after 1 September 2006. The reduced rates of dependency allowances will result in an estimated savings of \$45,000 per annum for the common system, based on the assumption that current staff retain their current dependency rates and that the reduced rates apply only to staff for whom dependency allowances have become payable on or after 1 September 2006.

23. The annual financial implications based on the approved surveys for the General Service and related categories for the common system have been estimated at \$3,590,000. The financial implication for the United Nations programme budget has been estimated at \$1,957,200. This amount would be taken into account in adjusting the existing inflation provisions in the programme budget in the context of the first performance report for the biennium 2006-2007.

V. Conclusions and recommendations

24. The financial implications for the United Nations programme budget for the biennium 2006-2007 resulting from decisions and recommendations of the International Civil Service Commission are summarized below:

<i>(United States dollars)</i>	
Remuneration of staff in the Professional and higher categories^a	
Separation payments	355 600
Conditions of service applicable to both categories of eligible staff^b	
Post adjustment	3 096 000
Education grant	830 500
Hazard pay, internationally recruited staff	3 322 800
Conditions of service of staff in the General Service and related categories: survey of best prevailing conditions of employment in New York^c	
	1 957 200
Total	9 562 100

^a See para. 5 above.

^b See paras. 9, 12 and 15 above.

^c See para. 23 above.

25. Accordingly, the related requirements under the programme budget for the biennium 2006-2007 resulting from the recommendations and decisions of the Commission have been estimated to be in the order of \$9,562,100, net of staff assessment. Those requirements will be taken into consideration when computing the first performance report for the biennium 2006-2007, in accordance with existing practice.



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Agenda items 42 and 113

Report of the Economic and Social Council

Follow-up to the outcome of the Millennium Summit

**Letter dated 21 September 2006 from the Permanent
Representative of South Africa addressed to the Secretary-General**

I have the honour to transmit herewith the conclusions and recommendations adopted by the meeting of Ministers of Science and Technology of the member States of the Group of 77, held at Angra dos Reis, Brazil, on 3 September 2006 (see annex).

On behalf of the Group of 77 and China, I would appreciate it if the present letter and its annex could be circulated as a document of the sixty-first session of the General Assembly under agenda items 42 and 113.

(Signed) Dumisan S. Kumalo
Ambassador and Permanent Representative of the
Republic of South Africa to the United Nations
Chairman of the Group of 77



Annex to the letter dated 21 September 2006 from the Permanent Representative of South Africa addressed to the Secretary-General

Conclusions and recommendations of the meeting of Ministers of Science and Technology of the member States of the Group of 77

Angra dos Reis, Brazil, 3 September 2006

1. The Ministers of Science and Technology of the Group of 77 and China met on the occasion of the 10th General Conference of the Academy of Sciences for the Developing World (TWAS) and the 9th General Assembly of the Third World Network of Scientific Organizations (TWNTO), held at Angra dos Reis, Rio de Janeiro, Brazil, on 3 September 2006.
2. On this occasion, the Third World Network of Scientific Organizations (TWNTO) took a historic decision to transform itself into the Consortium on Science, Technology and Innovation for the South (COSTIS).
3. The Ministers warmly welcomed and approved the creation of COSTIS and mandated the Chairman of the G77 and the President of TWNTO to appoint a joint task force in order to ensure the effective operationalization of the Consortium before the end of 2006 (Decision annexed).
4. The Ministers noted that the challenges of sustainable development couldn't be met without the use of scientific knowledge, skills and technology for the benefit of developing countries. They emphasized the importance of commitment to work towards the promotion of the development of science and technology by increasing the allocation of resources to that end.
5. The Ministers emphasized the necessity to continue strengthening South-South cooperation as an indispensable element for a just and equitable international order and for preserving the policy space necessary for developing countries to pursue their development objectives. Attention was drawn to the fact that South-South cooperation provides a viable framework within which the more advanced developing countries should avail their technological innovation to less developed countries.
6. There was a general consensus for commitments to the implementation of the specific actions at the national and international level contained in the Doha Plan of Action, including, inter alia, the promotion and development of knowledge and technology in the South through the exchanges of expertise, programmes and experiences among research institutions and universities in order to establish South-South networks of "centres of excellence" in the South.
7. The Ministers focused their interactive dialogue on the challenges and strategies for science, technology and innovation for the South. The overall challenge identified was that even though many countries have created ministries to deal with science, technology and innovation, they were still not considered among the most urgent priorities, especially in the least developed countries. The tendency for many Governments was still to prioritize areas such as health, education and defence as deserving primary attention. However, the Ministers were encouraged by

reports of many developing countries in which science, technology and innovation were beginning to be elevated for greater attention and support.

8. Among the challenges are:

- Lack of adequate budgetary funding for science and technology;
- Lack of adequate human capital, including the lack of attraction of young people into scientific studies;
- Privatization of knowledge and lack of knowledge sharing; and
- Lack of intellectual property protection and indigenous know-how, including biodiversity.

9. Among the strategies are:

- Increasing regional cooperation in science and technology;
- Increasing funding for research and development in support of national growth;
- Integrating the COSTIS as part of the North-South strategic partnership;
- Sharing the indigenous scientific experience of the South such as strategies to deal with natural disaster management and treatment of diseases prevalent in the South;
- Placing science and technology on the national as well as the international development agenda;
- Creating synergies between public and private support for science and technology;
- Promoting ethics in science and technology and eliminating double standards;
- The G77 must facilitate the sharing of information on science and technology;
- Working for the establishment of International Scientific Indicators to monitor scientific achievements; and
- Elimination of illiteracy, promotion of higher education and the creation of infrastructure for research and development as a way to prevent brain drain.

10. There was a wide acknowledgement of the significant role played by various institutions of the Trieste-based system in the promotion of science and technology, and the Ministers were especially pleased with the strategic plan that TWAS and its affiliate organizations are pursuing in order to enhance the capabilities of scientific institutions and promote scientific capacity-building in developing countries. In this regard the role played by TWAS in the development of South-South cooperation through its sponsorship of fellowship programmes to promote research and scientific capacity was widely acknowledged.

11. While reiterating the need to achieve the internationally agreed development goals, including the Millennium Development Goals (MDGs), special efforts must be made to build and sustain scientific capacity both at the individual and institutional level. Additional resources and partnerships are necessary to bring science-based solutions to critical economic and social needs and to enhance the role of science in promoting sustainable development in the developing world. The

Ministers emphasized the need to strengthen strategic partnerships between countries of the North and the South so as to contribute to the sharing of knowledge, innovation and transfer of technology.

12. The Ministers emphasized the importance and the supportive role of the United Nations system, particularly UNESCO, UNCTAD, UNIDO and the Special Unit for South-South cooperation, in promoting science and technology transfer and development in developing countries. There is a need to increase the capacity of these institutions to promote technological innovation. They welcomed the decision of ECOSOC to expand the membership of the United Nations Commission on Science and Technology for Development (UNCSTD) as a way to increase the voice of developing countries in matters of science and technology.

13. The Ministers expressed their appreciation for the support by the Italian Government extended to the Consortium on Science, Technology and Innovation. The Ministers committed themselves to convening the G77 High Level Forum and Exhibition on Science, Technology and Innovation, to be held in Trieste in 2007, which will offer an opportunity to review decisions taken at this meeting. Also the Ministers expressed a further commitment to meet on a biennial basis to exchange views and strengthen South-South initiatives in the field of science, technology and innovation.

14. The Ministers expressed their thanks to the Government and people of Brazil for their generous and warm hospitality, as well as the Brazilian Academy of Science and TWAS, for their excellent logistical support.

Annex**Decision**

The Ministers of Science and Technology of the member States of the Group of 77 and China meeting on 3 September 2006 at Angra dos Reis, Rio de Janeiro (Brazil) on the occasion of the 10th General Conference of the Academy of Sciences for the Developing World (TWAS), and the 9th General Assembly of the Third World Network of Scientific Organizations (TWNSO),

Recalling the decision adopted by the Heads of States and Governments at the Second South Summit held in Doha (State of Qatar), from 12 to 16 June 2005 (paragraph 35 of Doha Plan of Action) to support the efforts by the Trieste System, especially the Academy of Sciences for the Developing World (TWAS), to establish the G-77 Consortium on Science and Technology as agreed at the First South Summit,

1. Welcome the decision adopted by the Third World Network of Scientific Organizations (TWNSO) in Angra dos Reis to transform itself into the Consortium on Science, Technology and Innovation for the South (COSTIS),

2. Approve the creation of COSTIS and mandate the Chairman of the Group of 77 and the President of TWNSO to appoint a joint task force in order to ensure the effective operationalization of the Consortium before the end of 2006.



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Follow-up to the outcome of the Millennium Summit

Enhancing capacity-building in global public health*

Note by the Secretary-General

The Secretary-General has the honour to submit to the Members of the General Assembly the report of the World Health Organization on enhancing capacity-building in global public health, prepared pursuant to General Assembly resolution 60/35 of 30 November 2005.

Summary

The present report responds to General Assembly resolution 60/35 of 30 November 2005, in which the Assembly requested the Secretary-General to report to the General Assembly at its sixty-first session on progress made in the implementation of the resolution to enhance capacity-building in public health. The report takes note of national and international efforts made to advance the health-related development goals contained in the United Nations Millennium Declaration^a and the 2005 World Summit Outcome.^b

The report describes the current state of key infectious diseases, such as human cases of avian influenza, HIV/AIDS, tuberculosis, malaria and polio, as well as a set of major health issues confronting developing countries and transitional economies that have significant health, economic, social and political impact on individuals, communities and nations. The report further highlights a number of frameworks and strategies that can be used to prevent, detect, report, prepare and respond to outbreaks of disease. These include key components of optimally functioning health

* The report is submitted late owing to delays in receiving the required inputs for the United Nations system.



systems required to respond to disease outbreaks and major epidemics. Ensuring the supply and retention of an adequate supply of trained health workers and securing the necessary national and community political will and financing resources are vital to the success of any effort. Enabling national efforts, particularly those coping with limited capacity, is an organized international response grounded on the principles of cooperation, networks, partnerships and leadership. The United Nations system, particularly organizations such as the World Health Organization (WHO), the Food and Agriculture Organization of the United Nations (FAO), the World Organization for Animal Health (OIE), the United Nations Children's Fund (UNICEF), the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Population Fund (UNFPA) and the United Nations Development Programme (UNDP), offers considerable experience and assistance to catalyse and support national efforts.

^a See resolution 55/2.

^b See resolution 60/1.

1. The centrality of health to development

1. The Millennium Development Goals are increasingly accepted as the overarching development framework. They provide a common set of priorities for addressing poverty. Three of the eight Millennium Development Goals relate directly to health, thus giving recognition to the central role that health plays in the global agenda of reducing poverty, in addition to it being a measure of human well-being. Health also contributes to the achievement of all the other Millennium Development Goals, particularly those related to education, gender equality and the eradication of extreme poverty and hunger. The health goals focus on problems that disproportionately affect the poor.

2. Efforts over the past few years have yielded success. Childhood mortality is falling in countries such as Ethiopia, the United Republic of Tanzania, Mozambique and Malawi. Six African countries are reporting significant reductions in HIV/AIDS prevalence. The price of antiretroviral drugs has plummeted; more children are sleeping under insecticide-treated nets; more health workers are being deployed, as Governments recognize the severity of staff shortages. There are promises to double aid overall, and for those donors that have not done so, to reach the 0.7 per cent target.

3. Nevertheless, while there are individual stories of progress, the overall situation with regard to the health-related Millennium Development Goals remains bleak. There is still no region of the developing world on track to meet the child mortality target. For maternal mortality, evidence indicates that declines have been limited to countries with lower levels of mortality. Countries with high maternal mortality are experiencing stagnation or even reversals.

4. At the recent joint WHO/World Bank-sponsored high-level forum for accelerating progress towards the health Millennium Development Goals, WHO played an important role in promoting aid effectiveness in development assistance for health. The three meetings of the high-level forum highlighted the importance of harmonization and alignment, aid predictability and managing for results in ensuring that aid for health, from traditional and new funding sources, has the greatest possible impact on health at the country level. The meetings also emphasized the need for increased investment in the systems and staff needed to deliver health outcomes, and the need to give greater attention to the circumstances of countries where Governments are unwilling or unable to address the health needs of their people — the so-called fragile States.

5. Key achievements of the high-level forum process include adapting the Paris Principles on aid effectiveness to the global health partnerships, and seeing them adopted or in the process of adoption by all the partnerships. The Global Alliance for Vaccines and Immunizations has gone even further in implementing the Paris Principles by introducing a long-term, flexible and predictable funding window for health systems support, thereby addressing one of the greatest barriers to scaling up in health: aid volatility.

6. The ability of countries to respond to existing and emerging infectious diseases and chronic diseases depends on robust national institutions, their organization and management, and the availability of trained health personnel and health financing. To date, the inadequate supply of health personnel represents a particular limit to these responses.

7. Global public health capacity entails two fundamental aspects of the health system, focusing on public health and health care. Both aspects of the health system have capacity challenges, some of which are similar, e.g., health personnel, information systems, management and governance. Detecting, reporting and responding to emerging infectious diseases, such as avian and human influenza, depend heavily on functional national public health systems. Treating those infected and affected, and alleviating their suffering, depends on the availability of trained health personnel and the availability of appropriate drugs and vaccines. All these responses, in turn, depend on the national and international political will and financing to mobilize responses and to forge partnerships across sectors to rapidly communicate and support the required actions.

II. Status of global public health

8. In the past decade there has been both great progress in and significant challenges to health for the world population, particularly in developing countries. The emergence of human cases of avian influenza has reminded the world of the rapidity with which diseases can take hold in countries and spread internationally. As of 14 September 2006, there have been 246 human cases of avian influenza and 144 deaths in 10 countries. The impact on economies has been enormous. The threat of a human pandemic remains high, as animal-based avian influenza has not yet been controlled.

9. In addition to the emergence of new or newly recognized pathogens such as H5N1, there are a number of other well-characterized infectious diseases that pose very significant threats to human health. These include cholera, Marburg, Crimean-Congo, Dengue, and Ebola haemorrhagic fevers, meningitis and yellow fever. Many of these diseases appear as sudden outbreaks, or re-emerge after long periods of quiet, particularly in environments of increased migration, urbanization and conflict. Between January 2001 and May 2006, WHO verified more than 1,100 epidemic events. The potential onset of rapidly moving infectious diseases reminds the world of the vulnerability of populations to succumb to highly pathogenic diseases, particularly in an era of large population movements, trade, urbanization and conflict or natural disasters. Severe acute respiratory syndrome (SARS) illustrates how an infectious disease could pose a serious threat to global health security, the livelihood of populations, the functioning of health systems and the stability and growth of economies. Similarly, initial scenarios of a human influenza pandemic would have devastating effects on human health, the survival of existing development projects and the health of the global economy.

10. Approximately 1 billion people — one sixth of the world population, or one person in six — suffer from one or more neglected tropical diseases such as Buruli ulcer, cholera, cysticercosis, dracunculiasis (Guinea worm disease), foodborne trematode infections, hydatidosis, leishmaniasis, lymphatic filariasis, onchocerciasis, schistosomiasis, soil-transmitted helminthiasis, trachoma and trypanosomiasis. Several of these diseases, and others such as dengue, are vector-borne. The most affected populations are also the poorest and most vulnerable and are found mainly in tropical and subtropical areas of the world. Some diseases affect individuals throughout their lives, causing a high degree of morbidity and physical disability and, in certain cases, gross disfigurement. Others are acute infections, with transient, severe and sometimes fatal outcomes. For a large group of these

diseases — mainly helminthic infections — effective, inexpensive or donated drugs are available for their prevention and control. Treatment with effective antibiotics is leading to the elimination of leprosy. Similarly, the use of an effective antibiotic is enhancing progress towards the final elimination of blinding trachoma. The Guinea Worm Eradication Programme has reduced the number of people affected by this disease from an estimated 3.5 million in the 1980s to 10,000 in 2005. Onchocerciasis has freed more than 25 million hectares of previously onchocerciasis-infected land available for resettlement and agricultural cultivation, thereby considerably improving development prospects in Africa and Latin America. Large-scale, regular treatment plays a central role in the control of many neglected tropical diseases such as filariasis, onchocerciasis, schistosomiasis and soil-transmitted nematode infections. For a second group of neglected tropical diseases the only clinical option currently available is systematic case-finding and management at an early stage for diseases such as Buruli ulcer, cholera and other diarrhoeal diseases, human African trypanosomiasis and leishmaniasis. Even for these infections, systematic use of the present, imperfect tools at an early stage can dramatically reduce mortality and morbidity. For others, vector control tools are available and present the main method of transmission control, as in the case of Chagas disease.

11. HIV/AIDS, tuberculosis and malaria continue to afflict large numbers of people worldwide, disproportionately affecting the poor in developing countries and transitional economies. As of June 2006, UNAIDS and WHO estimated that there were nearly 40 million people with HIV/AIDS worldwide. Of those, approximately 6.8 million require antiretroviral treatment. Significant progress has been achieved as a result of the "3 by 5" initiative and the efforts of major assistance programmes such as the United States President's Emergency Plan for AIDS Relief programme, financial support from the Global Fund to Fight AIDS, Tuberculosis and Malaria, and the World Bank Multi-country HIV/AIDS Programme (MAP) project to increase the number of persons receiving HIV treatment from approximately 400,000 in December 2003 to 1.6 million in June 2006. The progress in Africa was particularly noteworthy, with a 10-fold increase in persons undergoing HIV treatment between December 2003 and June 2006. The Political Declaration on HIV/AIDS adopted by the General Assembly in June 2006¹ and the 2005 World Summit Outcome² reaffirmed the aim of coming as close as possible to the goal of universal access to treatment by 2010 by all who need it. The resolutions outline a set of interventions and efforts, to be implemented across sectors, to halt and reverse the spread of HIV/AIDS. Efforts to accelerate access to and the uptake of prevention are required, particularly the low level of vulnerable population coverage to services to prevent sexual transmission of HIV, as well as injecting drug use, preventing transmission in health-care settings, ensuring blood supply safety and preventing mother-to-child transmission of HIV/AIDS. More worrying is the continued low numbers of infected individuals who do not know their personal HIV infection status.

12. Tuberculosis remains an enormous challenge for developing countries, with WHO reporting 1.7 million deaths occurring in 2004, including individuals who were co-infected with HIV. Of the 8.9 million new cases of tuberculosis in 2004,

¹ General Assembly resolution 60/262.

² General Assembly resolution 60/1.

80 per cent occurred in Africa, South-East Asia and the western Pacific region. Whereas there has been success in controlling tuberculosis in most parts of the world, tuberculosis incidence continues to increase in Africa and Eastern Europe. The most recent global figures from WHO monitoring the 2005 Amsterdam Declaration to Stop Tuberculosis targets of detecting 70 per cent of new infectious cases and to treat successfully 85 per cent of detected sputum positive patients are 53 per cent (2004 data) and 82 per cent (2003 data), respectively.³ The emergence of multi-drug resistant tuberculosis (resistance to at least two of the main first-line drugs), and extensive drug resistant tuberculosis (resistance to three or more of the six classes of second-line drugs) is alarming, given the very high mortality rates associated with these strains, the co-infection of HIV and tuberculosis, and the lack of remaining drugs to treat these conditions. In 2005, there were an estimated 400,000 cases of multi-drug resistant tuberculosis in the world. The new Global Plan to Stop TB (2006-2015) sets out a set of actions to be achieved to prevent, treat and control tuberculosis. These actions, if successful, will have a significant impact on the achievement of the Millennium Development Goals.

13. Malaria continues to cause more than one million preventable deaths a year, especially in Africa among young children and other vulnerable groups. The disease continues to threaten the lives of millions of people in the Americas, Asia and the Pacific region. Previous General Assembly and World Health Assembly resolutions and reports⁴ outline the scope of the problem and available interventions that can be applied to control and treat malaria. The availability of artemisinin-based combination therapies has provided hope for persons living in previously malaria drug-resistant areas. As of January 2006, 56 countries have adopted artemisinin-based combination therapies as their first or second line treatment choice. The increasing availability of long-lasting insecticide-treated bednets can decrease child mortality due to malaria by at least 20 per cent. Innovations in the distribution of bednets have included their integration with antenatal care programmes and the expanded programme on immunization. Additional opportunities exist to couple bednet distribution with other disease control programmes such as on lymphatic filariasis, deworming and micronutrient distribution. Recent WHO guidance addresses the effective use of indoor residual spraying to control mosquitoes, particularly in constant and high transmission areas. Additional interventions include those to address malaria in pregnant women and children, as well as in countries that are in conflict or affected by complex emergencies.

14. Eradication efforts continue to rid the world of poliomyelitis. Since 1988, Rotary International, the Centers for Disease Control and Prevention, UNICEF and WHO have led an effort that has reduced polio cases by more than 99 per cent. Today, only four countries in the world remain endemic. With the end of transmission in sight, certification of a polio-free world would follow.

15. Preventable childhood illnesses account for 1.4 million deaths each year. The establishment of strong national immunization services in many countries over recent years has ensured that today more than 70 per cent of the world's targeted population is reached by those services. Despite these achievements, commitment to immunization has not been sustained in all countries. In 2003 an estimated 27

³ World Health Organization, *Global tuberculosis control — surveillance, planning, financing: 2005 and 2006* (Geneva, 2005 and 2006).

⁴ General Assembly resolution 59/256, A/60/208 and World Health Assembly resolution 58/2.

million infants and 40 million pregnant women worldwide remained in need of immunization. Increasingly, immunization will help to overcome barriers to equitable health-service delivery and sectorwide development, and will benefit from those efforts. The benefits include better public health and improved efficiency of public health services. Immunization services inevitably experience the constraints that affect the health system as a whole, but they can help significantly in overcoming systemwide barriers through the strengthening of district teams and their capacity to make optimal use of the resources and opportunities available locally. In turn, sectorwide approaches to strengthening cross-cutting areas such as human resources management, financing, logistics, public-private partnerships and information-sharing can clearly benefit immunization.

16. The infectious diseases that are currently threatening the world have direct linkages to reproductive health. Their management depends largely on the existence of strong health systems and their accessibility to the public at large. This requires delivery points that are not geared towards a single health condition, but rather towards an integrated approach whereby various tasks are performed by health workers to provide a "one-stop shop" for the convenience of individuals attending health facilities. In the case of both global infections and reproductive health, human resources constitute an essential component for the provision of health services. The Programme of Action of the International Conference on Population and Development held in Cairo in 1994 adopted the goal of universal access to reproductive health services by 2015, which has been affirmed in the 2005 World Summit Outcome. This is crucial for the attainment of Millennium Development Goals 4, 5 and 6, which relate to child mortality, maternal health and HIV control, and requires a focus on prevention, treatment, care and support. Examples of prevention include family planning for the timing of pregnancies, skilled attendance at birth to ensure safe delivery, emergency obstetric care to reduce morbidity and mortality from labour complications and safe sex practices to prevent sexually transmitted infections, including HIV/AIDS. Commodity security is also vital: lack of basic supplies hinders interventions for the management of infections and diseases.

17. Some 80 per cent of chronic disease deaths occur in low and middle income countries. More than two thirds (70.5 per cent) of the world population die from noncommunicable diseases and conditions. They present the largest and fastest growing global health burdens and are the major looming health issue of today and tomorrow. Too often, however, they are also the most invisible, underestimated and under-addressed. They encompass people affected by chronic diseases (including cardiovascular disease, stroke, diabetes, cancer and others), mental health disorders, substance abuse, injuries, violence and poor nutrition. Together they present a growing threat to the security and well-being of people, communities, economies and countries, particularly in developing and emerging countries. Many low and middle income countries are bearing the double burden of communicable diseases such as HIV/AIDS, malaria and tuberculosis, as well as increasing chronic diseases and mental health disorders, injuries and violence. While noncommunicable diseases and conditions account for the greatest proportion of deaths, they are equally responsible for an unacceptable level of premature death, illness or disability, with the resulting burden on individuals, families, communities and nations. Cost-effective and health-effective prevention strategies exist. Treatment,

care and rehabilitation programmes and strategies exist and have implications for improving the public health and health-care capacities of countries.

18. Natural disasters and conflict situations exacerbate the spread and impact of infectious diseases and highlight the need for public health system capacity in places where displaced persons congregate.

19. The disease examples noted above illustrate the need for robust national public health capacity, and international assistance supporting these efforts. Avian and human influenza pandemic preparedness and response reflects the importance of capacity within the animal health sector and its direct influence on public health to respond, i.e., to prevent and control human cases of avian influenza. Effective animal control largely reduces the incidence of human cases. In an environment of avian and human influenza, health-care capacity to identify appropriately clinical cases that might be avian influenza in humans, apart from the need for rapid epidemiological and laboratory investigation, is important. The major lessons learned from SARS was the need to build up surveillance and information systems that enable timely reporting and response and the need to improve infection control capacity. In other cases where vaccines exist, such as for yellow fever and meningitis, the limiting factors are often funding, shortages and national service delivery obstacles. Global initiatives such as the Global Alliance for Vaccines and Immunizations have recently provided badly needed financial assistance for yellow fever, but meningitis prevention remains poorly supported (particularly in sub-Saharan Africa).

20. Interventions required for haemorrhagic fevers such as Marburg, Congo-Crimean haemorrhagic fever, and Ebola require a combination of effective and efficient epidemiological surveillance and training of health personnel in the techniques of infection control to reduce occupational risk and provide appropriate clinical care. For other diseases, such as cholera, a combination of rapid detection and response entailing improved water supplies and sanitation is critical. Cholera prevention represents the necessary collaboration across sectors that are also integrally linked to several Millennium Development Goals. The efforts of polio eradication and measles control further exemplify the utility and necessity of active surveillance and intervention capacity.

21. Controlling other large scale diseases, such as HIV/AIDS, tuberculosis and malaria, depends on a combination of surveillance, laboratory capacity for diagnosis, drug use monitoring and drug resistance monitoring, health education and social mobilization to encourage behaviour change, case management such as directly observed treatment, short-course (DOTS) for tuberculosis, health-care treatment programmes, and capacity to ensure appropriate utilization of preventive measures. Preventable childhood diseases (respiratory and diarrhoeal) are mainly related to poverty, the alleviation of which will lessen the burden on public health and health care.

III. Building national and international capacity in public health, and building international cooperation

International Health Regulations

22. Changes in the environment and in human behaviour, including the marked increase in international air travel (an estimated 1.6 billion passengers every year), mean that vulnerability to the international spread of outbreaks is now regarded as universal. The potential for outbreaks to cause social and economic disruption has been amplified by electronic communications and the close interdependence of economies. In an increasingly globalized world serious and unusual disease events require an agreed code of conduct that can "prevent, protect against, control and provide a public health response to the international spread of disease in ways that are commensurate with and restricted to public health risks, and which avoid unnecessary interference with international trade and traffic". The quoted text is part of the purpose statement in the legally binding global agreement on public health known as the International Health Regulations 2005, or "IHR(2005)", which will enter into force in June 2007. In an exceptional move, and in response to the emerging human cases of avian influenza, the World Health Assembly adopted in May 2006 a resolution calling for the immediate voluntary implementation of the provisions of IHR(2005) considered relevant for the risk posed by avian influenza and pandemic influenza.

23. A major strategic advance for global public health, the revised International Health Regulations were adopted by the World Health Assembly in May 2005 (World Health Assembly resolutions 58.3 and 59.2). The IHR(2005) significantly broaden their scope when compared to the current Regulations, the International Health Regulations 1969 (IHR(1969)), from States notification to WHO of single cases of cholera, plague and yellow fever only, to all events that may constitute a public health emergency of international concern.⁵ States are also obliged to report evidence of public health risks outside their territory that may cause international disease spread. The Regulations will also allow the conclusion of agreements with intergovernmental organizations and international bodies to facilitate their implementation.

24. National actions will need to focus on: (a) notifying and reporting to WHO through the national IHR focal point. In 2006, all countries were asked to identify their national IHR focal point to WHO; (b) assessing their current capacities to deliver the requirements of annex 1 of World Health Assembly resolution 58.3 and developing plans to meet gaps identified; (c) identifying and securing the resources needed to implement those plans both internally and from external support. The collaboration between States, especially between donor and developing countries, that focuses on ensuring the technical and other resources for meeting the IHR(2005) capacity obligations is a crucial factor not only in implementing the Regulations, but also in building the systems that provide global health security; (d) identifying and addressing any national administrative and legal constraints for timely implementation of the Regulations and promoting intersectoral participation in such implementation; and (e) initiating the process for using the decision

⁵ A public health emergency of international concern is defined in IHR(2005) as an extraordinary public health event which constitutes a public health risk to other States through the international spread of disease, and which may require a coordinated international response.

instrument in World Health Assembly resolution 58.3, annex 2 of IHR(2005), for the assessment of events that may require notification to WHO.

25. Effective national implementation of IHR(2005) will require member States to invest in, manage and improve the capacity of a number of public health system components. These include epidemiological surveillance and information management systems (national and decentralized), laboratory strengthening, health and preparedness planning, health communication and increased cross-sectoral collaboration. Countries will be required to ensure that the core capacities outlined in annex 1 of IHR(2005) are in place and functioning within five years from June 2007.

26. To fully implement and comply with IHR(2005), member States, WHO and other relevant international organizations will have to develop, maintain and strengthen appropriate public health and administrative capacities in general, and at international ports, airports and some land crossings. This will require not only close collaboration between WHO and member States, but also among member States. Such multilateral cooperation will better prepare the world for future public health emergencies.

27. Over the past few years, WHO has supported member States in building sustainable surveillance and response capacity with the aim to provide reliable and timely information on the occurrence of priority infections, information essential for early detection of outbreaks, monitoring of disease trends and burden, and monitoring and evaluation of the impact of disease prevention and control programmes. This framework of assessments, prioritization, plan-of-action development, implementation, monitoring and evaluation is currently being implemented. Key partnerships undertaken by WHO to support countries are the management of the Global Outbreak Alert and Response Network and the Global Influenza Surveillance Network, which are described more fully below.

Responding to avian and human influenza

28. As has been noted, the human cases of avian influenza are symbolic of an emerging epidemic disease that presents a major threat to life, economies and security in an increasingly interconnected and interdependent world. The timing and severity of a pandemic cannot be predicted, but the world has been given the unprecedented advantage of an advance warning that a pandemic may be near. This advantage must be fully exploited to enhance global preparedness. The G-8 St. Petersburg summit meeting document "Fight against infectious disease" called for improved international cooperation on the surveillance and monitoring of infectious diseases, including better coordination between the animal and health communities, as well as building a set of national and international capacities to respond to infectious diseases.⁶

29. In 2006, WHO released its strategic action plan for pandemic influenza. This framework sets out five key action areas: (a) reducing human exposure to the H5N1 virus; (b) strengthening the early warning system; (c) intensifying rapid containment operations; (d) building capacity to cope with a pandemic; and (e) coordinating global scientific research and development. The strategic action plan evolved from a major meeting jointly convened by WHO, FAO, the World Organization for Animal

⁶ <http://en.g8russia.ru/docs/10.html>

Health and the World Bank, held from 7 to 9 November 2005. Concerning human health, the meeting focused on two sets of actions: preventing the emergence of a pandemic virus; and preparing all countries to cope with a pandemic in order to reduce morbidity and mortality and to mitigate economic and social disruption.

30. In August 2005, WHO distributed to all member States a document outlining recommended strategic actions for responding to avian influenza pandemic threat.⁷ These recommended actions respond to different opportunities to intervene at different phases. There are six phases in all. Currently, the world remains at phase three: no or very limited human-to-human transmission. There has been no sustained human-to-human transmission to date. Each phase of alert coincides with a series of recommended activities to be undertaken by WHO, the international community, Governments and industry. Changes from one phase to another are triggered by several factors, which include the epidemiological behaviour of the disease and the characteristics of circulating viruses.

31. Between 2003 and April 2006, the spread of avian influenza in wild or domestic birds dramatically increased, marking the fastest and most extensive geographical spread of any highly pathogenic avian influenza virus since it was first recorded in 1878. Since mid-2003, 48 countries have reported the virus in domestic or wild birds. Of the 29 countries with outbreaks in poultry, only two have successfully eliminated the virus from their territories and maintained a disease-free status.

32. As of September 2006, nearly all countries have established an avian and human pandemic preparedness plan. Moreover, in support of countries experiencing outbreaks of human cases of avian influenza, WHO has staffed over 50 missions since January 2006 to support laboratory testing and specimen collection, epidemiological investigations, surveillance and risk assessment, social mobilization and outbreak communications, clinical care and infection control, and logistics.

33. Multi-agency coordination and action within the United Nations system is key to supporting countries. With over 70 per cent of new and emerging diseases originating in animals, this reality requires a deeper level of cooperation between animal and human health sectors at national and international levels. With the aim to strengthen the coherence of the United Nations system's fight against avian influenza and a potential human influenza pandemic, the Secretary-General, on 25 September 2005, agreed with the Director-General of WHO to appoint a Senior United Nations System Coordinator for Avian and Human Influenza (UNSIC).

34. On behalf of the core United Nations agencies, programmes and funds, UNSIC coordinated the development of the "Consolidated Action Plan for Contributions of the UN System", which was released on 3 July 2006.⁸ The Action Plan outlines the common objectives, strategic directions and results to be attained by different parts of the United Nations system together with their international and regional partners. The United Nations system, under this plan, responds to the requests of Governments for coordinated and sustained international support to implement avian and human influenza programmes for which they have the primary

⁷ WHO global influenza pandemic preparedness plan, 2005, see www.who.int/csr/disease/avian_influenza/en/index.html.

⁸ "Avian and Human Pandemic Influenza: Consolidated Action Plan For Contributions of the UN System", 3 July 2006 (www.undg.org/content.cfm?id=1725).

responsibility. While different United Nations system agencies, funds, programmes and other bodies will be responsible for implementing actions outlined in this plan, emphasis within this consolidated approach is on the synergy of the contributions made by individual entities. Given the rapidly changing avian and human influenza situation, the plan will be updated in December 2006.

35. To avert a human influenza pandemic and to detect, report and respond to an array of epidemics and diseases requires the enhancement of global public health capacity. Global and national surveillance systems still have a number of blind spots. In order to better cope and respond to an influenza pandemic, and to a host of other diseases (acute and chronic), a set of public health and medical care capacities must be improved. These include: laboratory capabilities and networks, surveillance programmes, national preparedness plans, outreach to health-care workers and efforts such as social mobilization, the use of medicines, vaccines and non-pharmaceutical measures and, in cases of infectious diseases, the role of quarantine and transport. If not properly planned for, the need for rapid response can drain resources, staff and supplies from previously defined public health priorities and routine disease control activities, such as childhood immunization programmes, eradication programmes or HIV/AIDS, tuberculosis and malaria control. In countries with weak health infrastructures, health emergency response has often disrupted routine health services and humanitarian programmes for months on end. Some of the critical capacities are described in the sections below.

International surveillance and response

36. An effective international alert and response system for epidemics has been established by WHO in partnership with many other agencies and institutions. Systematic mechanisms for gathering epidemic intelligence and verifying the existence of outbreaks have been established and are linked to rapid risk assessment, information dissemination and field response in support of affected States. The Global Outbreak Alert and Response Network, coordinated by WHO, provides rapid international multidisciplinary technical support for outbreak response. It is made up of over 140 technical partners from more than 60 countries. Between 2000 and 2005, there were more than 70 international outbreak responses relying on the deployment of 500 experts. Regional and global mechanisms for stockpiling and rapid distribution of vaccines, drugs and specialized investigation and protection equipment have been established for yellow fever, meningitis, smallpox, haemorrhagic fevers and influenza. A specialized logistics response unit has been developed for epidemic response that allows WHO and its partners to be operational in extreme environments. As part of an effort to improve operational coordination and information management, an updated global event management system is being developed that will allow real time access to critical information on epidemics. WHO continues to strengthen a series of specialized surveillance networks for dangerous pathogens, including plague, dengue and influenza. The Global Influenza Surveillance Network is currently made up of 116 institutions from 87 countries, which enables WHO to recommend twice annually the content of the influenza vaccine for the subsequent influenza season to support. It also serves as a global alert mechanism for the emergence of influenza viruses with pandemic potential.

37. The unique and large scale, active surveillance network developed by the Global Polio Eradication Initiative is increasingly being used to support surveillance of many other vaccine-preventable diseases such as yellow fever, measles,

meningitis and neonatal tetanus. Additionally, this unique network is also regularly supporting outbreak surveillance and response activities for other health emergencies and outbreaks, including SARS, avian influenza, Marburg fever, yellow fever and Ebola outbreaks. With local knowledge of communities, health systems and government structures, the polio network's technical capacity often helps sustain international and national relief efforts, such as during the responses to the South-East Asia tsunami in December 2004 and the Pakistan earthquake in October 2005. Continued investment in this network once polio eradication has been completed, with a broadening of the skills of surveillance officers, immunization staff and laboratories, would increase capacity nationally and internationally for surveillance and response of vaccine-preventable and other outbreak-prone infectious diseases.

Increasing public awareness

38. The harm inflicted by disease outbreaks can be magnified by poor communication, thus prolonging an outbreak and putting more lives at risk and exacerbating the damage to social, political and economic systems both domestically and internationally. Following the containment of SARS, WHO launched a year-long effort of literature review and expert consultation to identify the best practices for communicating with the public during an outbreak. To be effective, good outbreak communication must start with outbreak response planning. As part of complete pandemic preparedness, member States are encouraged to integrate and strengthen their communication capacity to provide a complete response to outbreaks, including the next pandemic.

39. UNICEF and WHO have worked extensively to develop and implement a set of social mobilization strategies to prepare communities to respond to outbreaks. Similarly, these agencies have helped countries publicize polio and measles eradication campaigns. UNAIDS and many of its co-sponsoring United Nations agencies have worked to increase public information and sensitization to change HIV/AIDS behaviour. The Stop TB Partnership and the WHO Stop TB Department have worked to mobilize communities and individuals to adhere to DOTS to control active tuberculosis disease. Similarly, the WHO Global Malaria Programme and the Roll Back Malaria Partnership communicate on the impact of and recommended strategies to control malaria, as well as to mobilize a number of different sectors to respond.

Research, drug and vaccine development

40. Responding to any disease occurrence relies heavily on the availability of diagnostics, drugs, microbicides and vaccines. However, the availability of these is often precarious, depending on the state of the science. Creating vaccines for some viruses, such as HIV, has proven to be exceedingly difficult. Others, such as for influenza, vary considerably by strains and geography. Given the expense in developing these commodities, public-private partnerships and various market incentives are often required to encourage the pharmaceutical industry to enter a given market niche. Where diseases predominately affect developing countries, the challenges of developing the various commodities at a low cost increases.

41. Immunization programmes have long experienced these dynamics. In response to immunization needs worldwide, global partnerships, such as the Global Alliance

for Vaccines and Immunization, the Vaccine Fund, and the Measles Partnership, have been created in order to attain shared goals. Such partnerships bring together major stakeholders in immunization from the public and private sectors, including the vaccine industry. Initiatives for the eradication of poliomyelitis, reducing measles mortality and the elimination of maternal and neonatal tetanus have shown that partnerships enable immunization services to be brought to even the most hard-to-reach communities. The Global Alliance for Vaccines and Immunization has also been a major supporter of the yellow fever vaccine initiative.

42. Immunization is a highly cost-effective and relatively inexpensive health intervention. The overall cost of immunization, however, including the procurement of new vaccines, new vaccine formulations and technologies, is expected to rise sharply in the future. The expansion of vaccination schedules to include new vaccines has greatly increased the amount of resources that need to be mobilized. Although some relief may be obtained over time as the larger amounts of vaccine to be procured lead to greater competition among manufacturers and a reduction in price, experience has shown that it takes several years before increased demand for new vaccines is matched by lower prices. Meanwhile, the rising cost of immunization delivery needs to be added to the cost of vaccines; logistics and labour are becoming more expensive, and the extension of services to populations that are currently not being reached will need additional resources.

43. Securing the financing for the introduction of new vaccines and increasing coverage with existing vaccines will test all countries and their partners. Innovative financing mechanisms, such as the International Finance Facility for Immunization and Advance Market Commitments are worth investigating in this regard.

44. Efforts are under way to develop new vaccines against major infectious diseases (including malaria, HIV/AIDS and tuberculosis). Meanwhile, many other new vaccines and technologies are already licensed or at an advanced stage of development (including human papillomavirus, rotavirus and pneumococcal vaccines), and other vaccines are readily available but underused. Activities to ensure the safety of immunization are also being implemented (such as the use of autodisposable syringes), and the subject is becoming a top priority for countries. During the period 2006-2015, countries may be faced with an unprecedented array of new vaccines and technologies for introduction. To ensure that countries can make rational, evidence-based decisions about the choice of new vaccines and technologies, current gaps in knowledge (including disease burden, the cost-effectiveness of various strategies and regulatory issues) will have to be filled.

45. Ways need to be found to maximize the cost-effectiveness of contacts with immunization services (such as spreading the cost of these contacts across relevant health initiatives) and to strengthen national capability to project financial needs and obtain the required resources. Evidence-based policy decisions will have to be taken on the "affordability" of vaccines in relation to the reduction of disease burden.

46. The development of tools and products deriving from international efforts helps bring into focus how domestic public health and health system action is not sufficient to control major epidemics and endemic diseases. Trade issues have become an important force in the accessibility of health products (including drugs and vaccines). The Doha Ministerial Declaration on the TRIPS Agreement and Public Health was an important development in this regard. Other benefits of globalization are beginning to accrue to developing countries, including

telemedicine, the use of electronic media for training and increased sensitization to traditional medicine.

47. WHO has organized an emergency stockpile of two million doses of antiviral drugs to respond to a human influenza pandemic, and is developing standard operating procedures for their deployment as part of outbreak investigations.

Emergencies and crises

48. Each year, one in five member States experiences a major emergency or a crisis that endangers the health of its people. Emergencies and crises strike communities, affecting the development and health of their populations, sometimes with little or no external assistance in relief and recovery operations. Emergencies have a variety of origins, natural or man-made, ranging from environmental hazards to civil unrest and including technological and health-related hazards. Their impact on health services and the health status of populations is usually the most obvious effect and may persist for years. International response, although very useful, is usually late and takes time to adjust to local conditions. Investment in building community capacity in emergency preparedness and response at country and community levels is the only sustainable answer to such situations.

49. Field experience indicates that to respond effectively to any emergency, preparedness is essential. Building national capacity to manage risks and reduce vulnerability requires updated policies and legislation; multisectoral and intrasectoral coordination; appropriate structures; information; plans and procedures; resources and partnerships are vital to mitigate hazards and manage their impact on the health and well-being of affected populations.

50. At the international level, the United Nations system and other international organizations work towards this end in close collaboration with partners such as national and international NGOs. One of the main components of the United Nations humanitarian reform process is better coordination of humanitarian partners through the "cluster" system at global and country levels. The Inter-Agency Standing Committee, the primary body for inter-agency coordination of humanitarian assistance, accordingly organized the work of its different members into technical "clusters" in mid-2005. WHO was asked to act as the lead organization in efforts to improve the coordination, effectiveness and efficiency of health action in crises in the areas of preparedness, response and recovery. At the global level, the cluster aims to improve preparedness and technical capacity of health systems to respond to humanitarian emergencies. At the country level, the aim is to strengthen the health coordination framework and response capacity. This approach was applied in the aftermath of recent emergencies such as the South Asia earthquake, the Indonesia earthquake and the Lebanon crisis. However, additional efforts are required in institutional capacity-building.

51. Health-sector involvement in emergency and humanitarian action should be comprehensive. Improved response is needed in a wide range of areas, including the management of mass casualties; water, sanitation and hygiene; nutrition; control of communicable diseases; maternal, newborn and child health; noncommunicable diseases; mental health; pharmaceutical supplies; health technology and logistics; health information services; and the restoration of health-care delivery services. Strong technical guidance and leadership and better coordination between the

various "clusters" of the international response system will be needed to avoid response gaps in future emergencies.

Human resources for health

52. The WHO *World Health Report 2006: Working together for health* recognized the centrality of the health workforce for the effective operation of country health systems. It also recognized that there is a chronic shortage of well-trained health workers worldwide, both in terms of insufficient numbers of clinically and otherwise skilled health workers and the necessary administrative and logistics staff at all systems levels.

53. There is increasing evidence that health worker shortages are interfering with efforts to achieve the internationally agreed upon health-related development goals, including those contained in the Millennium Declaration. This health workforce crisis is severely hampering the ability of additional financial resources, made available through new modalities such as debt alleviation or the Global Fund to Fight AIDS, Tuberculosis and Malaria, to attain their goals. In many countries, there is simply insufficient human capacity to absorb, deploy and use efficiently the financing offered by global health initiatives.

54. In poorer countries, while the population is increasingly ageing, rapidly urbanizing and still suffering from infectious diseases, the health services fail to respond to current and emerging needs. The chasm is widening between what is theoretically possible and what is actually being done. Success in bridging this gap will be determined in large measure by how well the workforce is developed in order to contribute towards more effective health systems.

55. The *World Health Report 2006* estimated a shortage of 2.3 million doctors, nurses and midwives to scale up the health workforce to the levels required to strengthen health systems and accelerate progress towards attaining the Millennium Development Goals. An absolute health workforce shortage is experienced in 57 countries. In 36 countries in the African region alone, the training and deployment of an additional 800,000 doctors, nurses and midwives is required, which implies scaling up the current workforce in the continent by some 139 per cent. The cost of training and deploying the needed workforce worldwide would require an increase in health spending of about \$10 per capita in each country by 2025.

United Nations system activities

56. Responding effectively to outbreaks of deleterious infectious diseases and to the entire continuum of health conditions affecting developing countries and transitional economies requires the engagement of Governments, the private sector, civil society, regional forums, international agencies, the media and other partners. Examples of United Nations system activities in this field are as follows.

57. The substantive session of the Economic and Social Council in July 2006 addressed the issue of avian and human pandemic influenza preparedness. The Economic and Social Council pledged to maintain an active engagement in the issue. Similarly, over the past two years, many countries have joined in solidarity to pledge resources to support developing countries to enhance their public health capacity to plan and respond to avian and human pandemic influenza. Meetings in

Beijing, Washington, D.C. (the International Partnership on Avian and Pandemic Influenza), and Vienna have been convened to raise and track these pledges.

58. Regional United Nations institutions such as the Economic Commission for Africa (ECA) have been actively engaged in conducting the necessary analysis and providing leadership on addressing major health issues affecting development progress for Africa. ECA has been very concerned about the disproportionate impact that HIV/AIDS and the resurgence of old diseases such as tuberculosis and malaria have had on Africans' life expectancy and economic productivity. ECA, in collaboration with the African Union, WHO and UNAIDS has monitored the 2001 Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases and country actions to establish national AIDS councils and national strategic plans for combating tuberculosis.

59. The Economic and Social Commission for Asia and the Pacific (ESCAP) has incorporated the theme of strengthening health systems as a core element of its programme of work. This focus is on normative and policy analysis for increased investments in health systems and health sector financing. The Commission endorsed a comprehensive regional framework for strategic action; promoting health and sustainable development with five priority areas: (a) strengthening health systems; (b) enhancing multisectoral action for health; (c) managing the health implications of globalization; (d) promoting sustainable environmental development to improve health; and (e) increasing the effectiveness of the response to HIV/AIDS.

60. To further regional cooperation for a more effective response to the HIV/AIDS epidemic, ESCAP is implementing a project in the Greater Mekong subregion to improve health and reduce HIV/AIDS vulnerability among long distance road transport workers through a multisectoral approach. The project engages diverse stakeholders, including transport workers, transport enterprises, ministries of transport and health, local government entities and civil society organizations. Additional ESCAP activities have focused on scaled up effective HIV/AIDS prevention interventions for youth and drug abuse-related pilot training programmes in four countries.

61. It is now widely recognized that diseases have significant impact on nutrition, food security and rural livelihoods, especially in developing regions where most of the population continues to live and work in rural areas. Within the United Nations system, FAO has a special responsibility for food security and rural development, with the overall objective to contribute to reducing poverty, eliminating hunger and fighting malnutrition. The ultimate goal is to contribute to disease prevention through the reduction of risk and vulnerability, and to mitigate the impact of diseases on individuals and society. A weak rural sector is detrimental to good health, nutrition, food security and resilience of livelihoods. Thus, any agricultural intervention seeking to tackle problems of infectious diseases must address the weaknesses of the agricultural and rural livelihoods sectors. Such weaknesses range from policy, technology, price and markets, safety nets, access to natural resources, access to inputs, infrastructure, rural investment and capacity of human resources.

62. The FAO response to infectious diseases and related public health concerns is organized around five substantive pillars and carried out in both normative and operational work:

(a) Strengthening the capacity of FAO member States to plan for agriculture and natural resources development to reduce or eliminate risks and vulnerability to food insecurity and increase resiliency against the impact of infectious diseases. FAO provides support to member States to cope with the threat to rural livelihoods of avian influenza and its prevention and control by developing social rapid impact assessment tools and conducting applied research;

(b) Promoting generation of and access to improved agricultural technologies necessary for the rural sector to compensate for unfavourable changes in demographic composition owing to disease-related morbidity and mortality, but also to other population processes such as ageing and migration. FAO supports the development and adoption of agro-technological innovations that are appropriate to local circumstances to increase food production beyond subsistence levels, and is increasing farmers' exposure to new ideas and access to information to develop skills and attitudes that permit their sustained use through direct farmer-to-farmer exchange, farmer field days, farmer field schools and participatory development groups;

(c) Reinforcing the capacity of local governance structures — government bodies, the private sector, civil society and NGOs — to design and implement local agriculture development programmes that are sensitive to the impact of infectious diseases. For example, FAO is working with local ministries and extension services in member countries to build their capacities to deal with the reduced agriculture labour force and to inform them on technical issues (such as the FAO/WHO training manual on nutritional care and support for people living with HIV/AIDS, *Living Well with HIV/AIDS*);

(d) Empowering vulnerable groups through support for effective community action planning ("helping communities to help themselves"), the protection of property rights and the building of entrepreneurial and other relevant skills. Through field projects, emergency rehabilitation and policy support, FAO is specifically addressing the concerns of vulnerable groups, especially poor women, youth, the elderly and people living with HIV/AIDS. Junior Farmer Field and Life Schools are one example where FAO is targeting orphans and other vulnerable children to mitigate food insecurity and to pass on agricultural knowledge. As of May 2006, FAO, in partnership with WFP, has set up 36 Junior Farmer Field and Life Schools for orphaned children in Kenya, Mozambique, Namibia, Swaziland, Zambia and Zimbabwe;

(e) Strengthening policy dialogue/advocacy and providing support to inter-agency and intersectoral collaboration for an effective multisectoral response through the leveraging of resources and expertise in agriculture, nutrition and food security. To ensure consideration of the latter in policies and practice, FAO collaborates with the International Fund for Agricultural Development, UNAIDS, WFP, WHO, UNICEF and the Regional Network on HIV/AIDS, Rural Livelihoods and Food Security. FAO also collaborates closely with other United Nations agencies, particularly WHO, UNICEF and WFP, and international stakeholders on avian influenza prevention and control and communication strategies, livelihoods impact assessment and human pandemic preparedness, especially for populations of humanitarian concern.

63. UNDP focuses on building national capacity and creating an enabling environment to address key health issues that represent development crises, such as

HIV/AIDS, and to assess their impact on human development and governance sectors. Similarly, UNDP has been engaged to help Governments plan for continuity in governance in the event of a human influenza pandemic.

64. In the case of AIDS, UNDP addresses the nexus between AIDS and human development through support for capacity-building to mainstream HIV/AIDS into poverty reduction strategies, promoting macroeconomic policies for sustained financing of AIDS responses, and helping countries to review national patent laws to improve access to needed medicines. UNDP helps to strengthen the capacity of Governments to govern and coordinate AIDS responses by aligning United Nations system and donor support to national programmes. UNDP also promotes human rights and gender equality to reduce HIV-related vulnerability, strengthen the involvement of people living with HIV in national responses and address stigma and discrimination.

65. In addition, UNDP supports improved implementation of programmes financed through multilateral funding initiatives, and develops capacities of national stakeholders to implement large funding grants. The UNDP approach includes engaging and developing the capacity of key leaders from Government, civil society and the private sector to lead multisectoral and multilevel responses to HIV/AIDS.

Conclusions and recommendations

66. The recent lessons of infectious disease outbreaks and the resurgence of old diseases to new levels of prevalence require immediate action by developing countries and transitional economies and the support of international partners and donor Governments. This is coupled with the growing burden of chronic diseases worldwide, to which Governments and the international community will need to give increasing attention. To address these challenges and to enhance global public health capacity, increased investment in health systems, including the health workforce, is vitally needed to deliver good health outcomes. Such investment is critical to the achievement of internationally agreed development goals, including the Millennium Development Goals.

67. It is recommended that the General Assembly take note of the report and, in particular, to emphasize the importance of this subject for global security and development. The General Assembly may also wish to invite Member States to invest in building up the capacity of the required health systems.



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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Civil and political rights, including the questions of independence of the judiciary, administration of justice, impunity

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy, submitted in accordance with decision 1/102 of the Human Rights Council.



Summary

This report identifies the issues that have been of greatest concern to the Special Rapporteur during the year and since the issuance, in early 2006, of his reports on activities undertaken during 2005, which were submitted to the Human Rights Council in September 2006. In this, his second report to the General Assembly, the Special Rapporteur lists the many international conferences he has attended, as well as meetings held with various governmental and non-governmental stakeholders, with the aim of planning future missions and following up past missions.

A significant achievement highlighted in the report is the adoption by the Human Rights Council at its first session, held in June 2006, of an International Convention for the Protection of All Persons from Enforced Disappearance, after many years of hard work by the diplomatic community and human-rights bodies. The General Assembly is invited to adopt this instrument at the sixty-first session, to pave the way for signature and ratification by States. The seriousness and worldwide extent of the repressive practice of enforced disappearance demand a robust response from the international community, which now has the opportunity to establish a binding and universal instrument to combat that scourge.

The Special Rapporteur also wishes to alert the General Assembly to the fact that the wide powers given to military courts in some countries have given rise to repeated violations of the right to a fair trial by a legally established, independent and impartial tribunal. In that connection, he analyses the judicial precedents and international standards which bodies defending human rights at the regional and universal levels have developed. He also evaluates national judicial systems which are noteworthy in this connection, major reforms under way and the negative human rights impact of frequent recourse to military justice. Lastly, he makes a number of recommendations on the subject. Especially important in this field are the draft principles governing the administration of justice through military tribunals, which were drawn up by Mr. Emmanuel Decaux, expert of the Sub-Commission on the Promotion and Protection of Human Rights, and are currently before the Human Rights Council for consideration prior to their submission to the General Assembly.

The report also sets out the main findings and recommendations of the study carried out with other United Nations experts regarding the situation of detainees at Guantánamo Bay, analyses their repercussions and assesses the latest developments.

Lastly, it examines the recent course of the trial of Saddam Hussein and his collaborators, and recent developments at the International Criminal Court, both of these issues were covered in his previous reports to the Human Rights Council and the General Assembly. Lastly, the report embarks on an analysis of the activities of the Extraordinary Chambers in Cambodia.

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I. Introduction

1. This is the second report of the Special Rapporteur on the independence of judges and lawyers to the General Assembly. It describes his most recent activities and addresses two very topical issues: the International Convention for the Protection of All Persons from Enforced Disappearance, whose adoption by the General Assembly is recommended, and the need to limit the application of military justice solely to military personnel and to offences of a military nature. Lastly, it reviews developments in the trial of Saddam Hussein and his collaborators, at the International Criminal Court and in the Extraordinary Chambers in Cambodia in the light of the most recent available information. It also reviews, in like manner, the situation of the Guantánamo Bay detainees.

II. Activities of the Special Rapporteur

A. Activities to date

2. From 19 to 23 June 2006, in Geneva, the Special Rapporteur participated in the thirteenth annual meeting of mandate holders of the special procedures established by the Commission on Human Rights and extended by the Human Rights Council. As the report of the meeting¹ indicates, the participants took note of the activities of the Coordination Committee established at the preceding annual meeting. They discussed working methods, follow-up and implementation of recommendations, possible revisions of the Manual of the United Nations Human Rights Special Procedures and the challenges of making ongoing contributions to the work of the new Human Rights Council. In addition, the Special Rapporteur held discussions with the chairpersons of the various bodies established pursuant to international human rights treaties, as part of a meeting aimed at strengthening relations between those bodies and the special procedures.

3. During his stay in Geneva, the Special Rapporteur met with the Minister for Foreign Affairs of the Republic of Maldives, Mr. Ahmed Shaheed, who repeated his Government's invitation to the Special Rapporteur to undertake a mission to that country. Later, the Special Rapporteur held consultations with officials of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in order to prepare for the mission, which will take place in October 2006. He also consulted with OHCHR officials in Geneva and in the Kingdom of Cambodia with a view to starting preparations for a potential mission to that country in November 2006. The Special Rapporteur also met with a representative of the Permanent Mission of Kenya with a view to undertaking a mission there at the beginning of 2007 in response to an invitation from the Kenyan Government. He also met with other ministers and representatives of various permanent missions to the United Nations in Geneva and with representatives of governmental and non-governmental organizations.

4. The Special Rapporteur attended the 17th international course on judicial independence, human rights and the Inter-American Democratic Charter, organized by the Andean Commission of Jurists and the Spanish Agency for International

¹ The unedited version of the report is available at http://www.ohchr.org/english/bodies/cjrp/special/docs/13threport_AEV.pdf.

Cooperation in Cartagena, Colombia, from 31 July to 4 August 2006. In his address, he described judicial independence as a guarantee of the judicial function.

B. Future activities

5. The Special Rapporteur plans to undertake the two missions referred to above, namely one to the Republic of Maldives in October 2006 and one to the Kingdom of Cambodia as a follow-up to the High Commissioner's visit. In the case of Cambodia, the Special Rapporteur hopes to receive an early reply from the Government so that this important mission can go forward as soon as possible. With regard to the Republic of Kenya, the Special Rapporteur has expressed his desire to carry out a mission in February 2007, but is awaiting an answer from the Government. He is also planning a mission to Ecuador to follow up on the recommendations made in his previous reports.

6. The Special Rapporteur will attend the second session of the Human Rights Council, to be held in Geneva from 18 September to 6 October 2006, and will present his annual report describing the main activities carried out in 2005 and early 2006, as well as the annexes thereto and the joint report on the situation of detainees at Guantánamo Bay. On 27 and 28 September, in Geneva, he will take part in the annual Inter-Parliamentary Union seminar, entitled "Law and justice: the case for parliamentary scrutiny". Lastly, he plans to take part in an international conference on judicial independence, to be organized by the International Association of Judges in Lomé from 12 to 15 November 2006.

III. International Convention for the Protection of All Persons from Enforced Disappearance

7. On 29 June 2006, the Human Rights Council adopted, by consensus, the International Convention for the Protection of All Persons from Enforced Disappearance, the text of which appears in the annex to its resolution 1/1, and recommended that the General Assembly should also adopt it. The text submitted for the Assembly's consideration is the result of many years of intense diplomatic activity and the product of a lengthy effort by human rights organizations, and more particularly the families of victims, to build a binding, universal instrument to combat such practices.

The roots of the Convention

8. In 1980, a Working Group on Enforced or Involuntary Disappearances was set up under the auspices of the Commission on Human Rights. It was the first thematic mechanism for addressing specific human-rights violations of a particularly serious nature, regardless of where they were committed.²

² As far back as the 1981 Paris Colloquium, there were calls for the enforced disappearance of individuals to be designated as a separate crime; then, in 1982, the Latin American Federation of Associations of Relatives of Disappeared Detainees (FEDEFAM) drew up the first preliminary draft declaration.

9. In 1992, the General Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles to be applied by all States.

10. The Special Rapporteur, while serving as an expert of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and Special Rapporteur on the question of human rights and states of emergency, recommended in his annual report³ that a binding text should be drawn up to protect all individuals from enforced disappearance. In addition to having an effect on the impunity of those responsible for such crimes, such an instrument would have a *persuasive* and *preventive* effect, as repressive Governments would know in advance that no amnesty laws could be enacted.

11. In a regional context, the General Assembly of the Organization of American States (OAS) adopted, in 1994, the inter-American Convention on Forced Disappearance of Persons.

12. In 1998 the Sub-Commission on the Promotion and Protection of Human Rights adopted the draft convention submitted by the independent expert Louis Joinet.

13. A decisive step was the decision taken in 2001 by the Commission on Human Rights (then chaired by this Special Rapporteur), at its fifty-seventh session, to establish an inter-sessional open-ended working group to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearance.

Value and content of the Convention

14. The recently adopted Convention is the first binding universal international instrument which recognizes the individual's right not to be a victim of enforced disappearance. It confirms that the widespread or systematic practice of enforced disappearance constitutes a crime against humanity and is therefore imprescriptible. It considers enforced disappearance to be a continuing offence and does not regard it as political for the purposes of extradition. It reaffirms the right of victims to justice and reparation, while establishing the right to know the truth about these violations. The Convention obliges States to ensure that these practices constitute a separate offence under their criminal law and to adopt measures to prevent, investigate, prosecute and penalize such offences, and confirms that national security or privacy considerations cannot be invoked to limit the protection of citizens against such violations. Moreover, it extends the concept of victim to any natural person having suffered harm as a direct result of an enforced disappearance. It guarantees to any person with a legitimate interest the right to know the truth regarding the perpetrators and circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person, and establishes the obligation to set up an effective procedure for obtaining this information. It stipulates that a Committee shall be established, to which the family members, relatives and legal representatives and any other person with a legitimate interest may appeal.⁴ It also establishes that superiors are responsible for their subordinates' actions in certain circumstances, reaffirms the principles of extradition

³ E/CN.4/Sub.2/1997/19.

⁴ E/CN.4/2005/WG.22/ WP.1/Rev.4, E/CN.4/2006/52.

in respect of those responsible, and requires States to establish criminal penalties for the removal of children who are born in captivity or who have disappeared together with their parents, while requiring that such children be returned to their families of origin.

15. Another significant element of the Convention is that it empowers its monitoring body to take urgent measures to search for disappeared persons. This innovative mechanism, known as "international habeas corpus", fulfils a preventive and humanitarian function and constitutes one of the main powers of the Committee on Enforced Disappearances, which also has a mandate to urgently inform the General Assembly, through the Secretary-General, of situations where there are well-founded indications that this offence is being practised on a systematic and widespread basis in a State party. In this way, the Committee plays a preventive role in cases where enforced disappearances may constitute crimes against humanity.

16. The Convention enshrines the *right to the truth* as an independent right. In this way it reflects the development of jurisprudence in the various systems for the protection of human rights, as was clearly shown in the report submitted by the Special Rapporteur to the Human Rights Council in 2006 (E/CN.4/2006/52). A particular feature of the right to the truth, which is based on treaty and customary law, is that it is both an independent right and the means for the realization of other rights: to information, to identity, to mourning and, especially, the right to justice. Because of the significance of the matters in question and the fundamental nature of the rights affected — to life, to physical or moral integrity, to a fair trial, etc. — the right to the truth is inalienable, non-derogable and imprescriptible. Also, national and international jurisprudence identifies the right to the truth as an international norm of *jus cogens*. Because of the inexorable nature of the knowledge of the truth, it may be stated, from a historical perspective, that *truth, justice and reparation* are fundamental components of a democratic society and that, far from weakening such a society, they nourish and strengthen it.

17. The international community recognized and began to pay particular attention to the enforced disappearance of persons during the 1970s and the early 1980s, when there emerged dictatorial regimes which used this practice in an institutionalized, systematic and widespread manner, with the aim of eliminating all forms of opposition. Latin America was among the main regions in which this sinister tool of repression was utilized. However, this practice has now been documented in 90 countries, and the total number of individual cases reported to the Working Group since its establishment is 50,000, which confirms the enormous importance of this instrument.

IV. Military justice in the context of the trying of civilians and serious human rights violations

18. In recent years the Special Rapporteur has noted with concern that the extent of the jurisdiction of military tribunals continues to be a serious obstacle for many victims of human rights violations in their quest for justice. In a large number of countries, military tribunals continue to try members of the armed forces for serious human rights violations, or to try civilians, in clear violation of applicable international principles, and, in some instances, even in violation of their own national laws.

A. International standards applicable to military tribunals

19. Military jurisdiction is governed by the international obligations of States in regard to human rights and the administration of justice. Although few international instruments refer specifically to military jurisdiction, human rights standards and principles relating to the administration of justice apply fully to it. In fact, the principal international human rights texts, both universal and regional, agree on a series of basic principles that are also applicable to military tribunals, such as the principle of equality before the law, the right to be tried by a competent and regularly constituted court, the right to an effective remedy, the principle of legality and the right to a fair trial. For its part, international humanitarian law contains important provisions on the administration of justice.⁵

20. The trying of serious human rights violations by military tribunals is explicitly prohibited only in article IX of the Inter-American Convention on Forced Disappearance of Persons and article 16 of the Declaration on the Protection of All Persons from Enforced Disappearance. However, an important body of international jurisprudence has been developed on the basis of general human rights norms relating to the administration of justice. In particular, the interpretation of the right to a fair trial has provided a foundation for the limitations imposed on the trying of civilians by military tribunals.

21. In this context, special mention should be made of the significant amount of work carried out by the experts of the Sub-Commission on the Promotion and Protection of Human Rights. This includes, in particular, the work carried out by Louis Joinet and, subsequently, by Emmanuel Decaux, which culminated in the elaboration of draft principles governing the administration of justice through military tribunals (E/CN.4/2006/58), to be considered by the Human Rights Council⁶ at its second session, in September/October 2006. These principles are the result of years of research and consultation among experts, jurists and military personnel from all over the world, as well as representatives of diplomatic missions and non-governmental organizations. They are based on the extensive jurisprudence developed by various United Nations bodies and establish clear rules regarding the issues of concern here.

22. Principle No. 5 establishes that "Military courts should, in principle, have no jurisdiction to try civilians. In all circumstances, the State shall ensure that civilians accused of a criminal offence of any nature are tried by civilian courts". Meanwhile, Principle No. 9 stipulates that "In all circumstances, the jurisdiction of military courts should be set aside in favour of the jurisdiction of the ordinary courts to conduct inquiries into serious human rights violations such as extrajudicial executions, enforced disappearances and torture, and to prosecute and try persons accused of such crimes".

23. These two principles are also reflected in the updated set of principles for the protection and promotion of human rights through action to combat impunity, drafted by Diane Orentlicher and recommended by the Commission on Human

⁵ Common article 3 of the four Geneva Conventions, article 105 of the Third Convention as it relates to article 130, article 75 of the First Protocol Additional and article 6 of the Second Protocol Additional.

⁶ See decisions 1/102 and 1/105 of the Human Rights Council.

Rights. Principle 29 establishes that "The jurisdiction of military tribunals must be restricted solely to specifically military offences committed by military personnel, to the exclusion of human rights violations, which shall come under the jurisdiction of the ordinary domestic courts or, where appropriate, in the case of serious crimes under international law, of an international or internationalized criminal court".

24. These norms reflect the spirit and the letter of the Basic Principles on the Independence of the Judiciary, principle 5 of which states that "Everyone shall have the right to be tried by ordinary courts or tribunals using established legal procedures. Tribunals that do not use the duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals". They also reflect the conclusions already reached in recent decades by various international and regional bodies for the protection of human rights. In its general comment No. 13 (1984) on the right to a fair trial, the Human Rights Committee established that the trying of civilians by military courts should be of an exceptional nature, and recalled the duty of military courts to respect the guarantees stipulated in article 14 of the Covenant.⁸ Its position has since evolved, and the Committee has stated on repeated occasions that military tribunals should not have jurisdiction to try civilians. For example, in its concluding observations on the second periodic report of Lebanon, in 1997, the Committee recommended that the Lebanese State "should review the jurisdiction of the military courts and transfer the competence of military courts, in all trials concerning civilians and in all cases concerning the violation of human rights by members of the military, to the ordinary courts".⁹ More recently, the Committee concluded that "the jurisdiction of military courts over civilians is not consistent with the fair, impartial and independent administration of justice".¹⁰ Also, the Commission on Human Rights adopted a number of resolutions calling for military jurisdiction to be restricted to offences committed by military personnel. For example, in resolution 2005/30 of 19 April 2005, on the integrity of the judicial system, the Commission called upon "States that have military courts or special criminal tribunals for trying criminal offenders to ensure that such courts are an integral part of the general judicial system and that such courts apply due process procedures that are recognized according to international law as guarantees of a fair trial, including the right to appeal a conviction and a sentence".¹¹

25. Other United Nations committees have expressed the same opinion, notably the Committee against Torture and the Committee on the Rights of the Child.¹² At its forty-second session, held in June 2006, the Committee on the Rights of the Child reiterated its position in its concluding observations on Colombia, noting "with concern the unbroken pattern of impunity and the continuous tendency to

⁷ See Commission resolution 2005/81 of 21 April 2005.

⁸ See HRI/GEN/I Rev.7, chap. II, pp. 135 ff., para. 4.

⁹ See *Official Records of the General Assembly, Fifty-second Session, Supplement No. 40 (A/52/40)*, chap. V, para. 344. For an overview of the jurisprudence of the Human Rights Committee on this subject, see Federico Andreu-Guzmán, *Military jurisdiction and international law: military courts and gross human rights violations*, Colombian Commission of Jurists, International Commission of Jurists, April 2003, pp. 55-62.

¹⁰ See *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 40 (A/56/40)*, chap. IV, para. 76 (12).

¹¹ See *Official Records of the Economic and Social Council, 2005, Supplement No. 3 (E/2005/23-E/CN.4/2005/135)*, chap. II.

¹² Andreu-Guzmán, *op. cit.* (see note 9 above), pp. 62-65.

refer serious violations of human rights to the military justice system".¹³ Various special procedures have expressed the same opinion. The Special Rapporteur himself has expressed his opposition to the jurisdiction of military courts to try civilians (in his first report to the Commission on Human Rights)¹⁴ and to the establishment of military commissions with this same jurisdiction (in the joint report on the situation of detainees at Guantánamo Bay).¹⁵ In his 2006 report to the Human Rights Council, the Special Rapporteur on extrajudicial, summary or arbitrary executions stated, "As an empirical matter, subjecting allegations of human rights abuse to military jurisdiction often leads to impunity".¹⁶ Also, the Working Group on Arbitrary Detention took a very clear position against the trying of civilians by military tribunals, stating that "Concerning recourse to military tribunals and special courts, bringing suspected terrorists before special courts is regular practice" and warning that "one of the most serious causes of arbitrary detention is precisely the existence of such courts, virtually none of which respects the guarantees of the right to a fair trial".¹⁷

26. Both the Commission and the Inter-American Court of Human Rights have held that the trying of civilians by military tribunals conflicts with the articles of the American Convention on Human Rights, which guarantee the right to be tried by an independent and impartial court and the right to a fair trial. These bodies have developed the principle of functionality, which, in the view of the Special Rapporteur, is fundamental for defining the scope of military jurisdiction. This principle limits military jurisdiction to offences committed in relation to the military function, thereby limiting it to military offences committed by members of the armed forces. Thus, since military functions do not include the commission of gross human rights violations, and since civilians cannot commit offences of a military nature, gross human rights violations and offences committed by civilians must automatically be transferred to ordinary criminal courts.

27. In its recent judgement in the case of *Palamara Iribarne v. Chile*, of 22 November 2005, the Court reiterated that "In a democratic constitutional State, military jurisdiction in criminal matters must be limited and exceptional and must be aimed at protecting special legal interests relating to the functions assigned to the military forces by law. It should therefore try military personnel only for committing crimes or offences which, by their very nature, are damaging to juridical goods of the military system", and declared that civilians should be tried by the ordinary courts.¹⁸ It concluded: "A State must, within a reasonable time period, adapt its domestic legal system to international standards on military jurisdiction in criminal matters so that if the existence of such jurisdiction is considered necessary, it will be limited solely to offences relating to the military function committed by military personnel in active service. The State must therefore establish, through its legislation, limitations on the material and personal jurisdiction of military courts, so that under no circumstances can a civilian be subject to the jurisdiction of military criminal courts".¹⁹ This means that trying either civilians or military

¹³ CRC/C/COL/CO/3, para. 44.

¹⁴ E/CN.4/2004/60, para. 60.

¹⁵ E/CN.4/2006/120.

¹⁶ E/CN.4/2006/53, para. 37.

¹⁷ E/CN.4/2004/3, para. 67.

¹⁸ Paras. 124 and 139.

¹⁹ Para. 269 (14).

personnel in military courts for human rights violations is incompatible with the obligations of States to guarantee to all individuals a fair trial before an independent court, to combat impunity and to guarantee the right of victims to an effective remedy and to reparation.

28. The European Court of Human Rights has not developed a very extensive body of jurisprudence regarding military justice. However, it has reiterated, in various decisions on Turkey's National Security Courts, that a civilian can legitimately allege violation of the European Convention for the Protection of Human Rights and Fundamental Freedoms on the grounds that such a court lacks independence if one or more of the court's judges are members of the armed forces, who are subject to military discipline and whose appointment is controlled by the executive branch.²⁰

29. Likewise, on the basis of the aforementioned principle of functionality, the African Commission on Human and Peoples' Rights has repeatedly criticized the practice of using military courts to try civilians.²¹ Thus, the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, adopted in 2003, not only expressly prohibit the use of military courts to try civilians; they also stipulate that all civilians have a right not to be tried by such courts.

B. Examples of national standards and practices

30. Below are a number of examples from different regions which illustrate the need to pursue efforts to bring national legislation into line with the international standards governing the administration of military justice.

1. Latin America

31. In the past, the defining characteristic of this region was the systematic use of coups d'état and military jurisdiction. While significant reforms imposing considerable restrictions on the application of military justice have been set in motion in many Latin American countries, such as the Bolivarian Republic of Venezuela and Argentina, the problem still looms large in the region.

32. With regard to the Bolivarian Republic of Venezuela, in a judgement handed down on 5 July 2006 by the Inter-American Court of Human Rights in the case concerning *Montero Aranguren et al. (Catia detention centre) v. Bolivarian Republic of Venezuela*, para. 45, the Venezuelan Government notified the Court that military courts were no longer competent to try cases involving serious human rights violations committed by military personnel, and pointed out that "it is true that, at the time of the events, the law allowed specialized courts such as military courts to try cases involving human rights violations. However, at present, following the entry into force in 1999 of the Constitution of the Bolivarian Republic of Venezuela and in accordance with article 25 thereof, such cases are heard only by ordinary

²⁰ Judgment of 9 June 1998, *Incal v. Turkey* (No. 41/1997/825/1031). See the Judgment of 28 October 1998, *Çiraklar v. Turkey* (No. 70/1997/854/1061); Judgment of 8 July 1999, *Gerger v. Turkey* (No. 24919/94); and Judgment of 8 July 1999, *Karatas v. Turkey* (No. 23168/94).

²¹ See, inter alia, decision of 7 May 2001, communication No. 218/98 (Nigeria); decision of 6 November 2000, communication No. 223/98 (Sierra Leone); decision of April 1997, communication No. 39/90 (Cameroon); and decision of 1995, communication No. 60/91 (Nigeria).

courts, since that article provides that human rights violations and crimes against humanity must be investigated and tried by ordinary courts, thereby making it impossible to try such offences before specialized courts and demonstrating that consideration has been given to the legislative amendment requested by the Inter-American Commission on Human Rights". While the reform of the justice system was enshrined in articles 25, 29 and 261 of the National Constitution, the necessary reforms of the military criminal justice system have not yet been implemented and the 1998 Code of Military Justice remains in force. However, in an obiter dictum to a ruling issued in 2002, the Plenary Chamber of the Supreme Court of Justice took the view that "charges brought before military courts, insofar as they may not fall within the scope of the constitutional and legal provisions governing the proceedings of such courts, are liable to be contested by the parties concerned, in accordance with the relevant remedies and actions provided for by the legal order".³³

33 Similarly, in Argentina, the Government is developing a comprehensive reform of the Code of Military Justice, which has been in force since 1951. The new proposal provides for the repeal of the current Code and the abolition of military jurisdiction in criminal matters except in special cases occurring in "wartime or during other armed conflicts". In all other cases, the ordinary courts are competent to hear cases involving offences committed by military personnel. The reform proposal places due emphasis on the State's obligation to ensure that serious human rights violations committed by members of the armed forces are investigated and prosecuted by ordinary courts, with no legal or regulatory restrictions pertaining to the military status of the perpetrators. Furthermore, the reform incorporates the principle of the integrity of the judicial system, as promoted by the United Nations, since the repeal of the current Code of Military Justice does not entail the adoption of a new code but rather the incorporation into the national Penal Code of specific provisions dealing with military offences. It also provides for the abolition of the death penalty. This groundbreaking decision will pave the way for the Argentine Government's ratification of additional protocols on the abolition of the death penalty, including those adopted by Inter-American institutions and the Second Optional Protocol to the International Covenant on Civil and Political Rights.

34 In Guatemala, article 219 of the Political Constitution provides as follows: "Military courts shall hear cases concerning offences and misdemeanours committed by members of the Guatemalan army. Civilians shall not be tried by military courts". Similarly, article 12 stipulates that "[n]o one may be tried by special or secret courts". In 1996, the Congress of the Republic issued Decree No. 41-96, which provides that offences committed by military personnel under ordinary law must be tried by ordinary courts; accordingly, the military justice system remains in force only to rule on strictly military offences. However, the legislature is currently considering a draft law providing for the establishment of *in personam* jurisdiction, whereby military courts would be competent to try all offences committed by military personnel, even those involving human rights violations. The Special Rapporteur is extremely concerned about this draft law, which represents a huge step backwards and clearly contravenes international and regional jurisprudence.

35 In Colombia, the Political Constitution (of 1991) expressly prohibits, even during periods of domestic unrest, the investigation and trial of civilians by military

³³ Judgement of 2002, reporting judge Rafael Pérez Perdomo, file No. 2002-00018.

criminal courts.²³ The Military Penal Code,²⁴ in force since August 2000, expressly excludes a number of gross human rights violations, such as torture, genocide and enforced disappearance (article 3), from the scope of competence of military courts. Since 1995, the Constitutional Court has ruled on the extent of the competence of military criminal courts and has restricted that competence to offences committed while carrying out activities directly linked to an inherent function of the armed forces, pointing out that the ordinary courts always have competence when the perpetrator had criminal intent from the outset or in cases of crimes against humanity.²⁵ However, according to the most recent report of the United Nations High Commissioner for Human Rights on Colombia, prosecutors do, in some cases, refer trials that should fall within their jurisdiction to military courts or fail to claim jurisdiction. In particular, cases involving the extrajudicial execution of peasants and indigenous persons by members of the armed forces, in which those deaths were portrayed as casualties of war, have been heard by military courts, in clear violation of the judgement issued by the Constitutional Court and of international standards.

36. As pointed out in paragraph 14 of the operative part of the judgement issued by the Inter-American Court of Human Rights, Chile has been urged to bring its domestic legislation on military criminal jurisdiction into line with the relevant international standards, since the scope of that jurisdiction, which covers human rights violations committed by military personnel and even police officers, as well as the trial of civilians, is regarded as excessively broad.²⁶

2. Africa

37. In the Democratic Republic of the Congo, military jurisdiction, which is excessively broad, applies the principle of *in personam* jurisdiction: all offences committed by military personnel and police officers fall within the competence of military courts, including the most serious violations of human rights such as crimes against humanity. Police officers should never be subject to military jurisdiction, since they are members of the law enforcement authorities and are engaged in civilian, not military, activities. The principle of *in personam* jurisdiction, incorporated into article 156 of the new national Constitution adopted in May 2006, contravenes international norms and standards and, at the same time, engenders serious impunity because military courts lack independence, as they are subject to considerable pressure from the military hierarchy.²⁷

38. Another issue of great concern is the fact that civilians are routinely tried by military courts for crimes that are not connected to military matters but have allegedly been committed with "weapons of war". Owing to the prevailing climate of violence in the country and to the scope of military jurisdiction, most crimes are currently investigated by military courts. In many cases, such courts try civilians in proceedings which are largely politically motivated. Accordingly, the ordinary

²³ Article 214 of the Political Constitution of 1991.

²⁴ Law No. 522 of 1999.

²⁵ Judgement C-358 of 5 August 1997, Constitutional Court of Colombia.

²⁶ Judgement of 22 November 2005, *Palamara Iribarne v. Chile*, para. 269 (14).

²⁷ For specific examples of impunity within the Congolese military justice system, see the report of the United Nations Organization Mission in the Democratic Republic of the Congo entitled "The Human Rights Situation in the Democratic Republic of the Congo (DRC) during the period of January to June 2006", 27 July 2006.

courts are becoming marginalized.²⁸ The Special Rapporteur expresses his deep concern about this phenomenon and calls on the new Congolese Parliament to take urgent action to restrict the competence of military courts, in accordance with international principles concerning military jurisdiction.

39. The military justice system in the Central African Republic also has far-reaching competence, since it covers all crimes and offences committed by military personnel in the performance of their duties and all crimes and offences committed by such personnel in military establishments, ships or aircraft. Furthermore, the definition of "military personnel" is very broad and also includes individuals who are not employed by the armed forces. At its eighty-seventh session, held in July 2006, the Human Rights Committee reiterated its concern about the competence of military courts to hear cases involving torture and extrajudicial executions committed by military personnel in the Central African Republic.²⁹

3. Arab States

40. The scope of military jurisdiction is also frequently excessive in a number of Arab States. In Egypt, under the law on counter-terrorism, military courts are competent to try civilians accused of terrorism. The Human Rights Committee has severely criticized that state of affairs, noting also that military courts do not offer guarantees as to their independence and that their decisions are not subject to appeal before a higher court.³⁰

41. In Tunisia, counter-terrorism legislation also empowers military courts to investigate and try civilians suspected of terrorist activities and establishes that the decisions of those courts are not subject to appeal. This legislation has been singled out for its flagrant violation of the right of every individual to be tried by a competent, independent and impartial tribunal, with all the guarantees of a fair trial, including the fundamental right to have a decision reviewed by a higher tribunal.

42. In Jordan, the State security courts established in 1991 are competent to try military personnel and civilians, in accordance with a very broad definition of offences classified as crimes against State security. These courts are considered military courts because they are composed of two military judges and one civilian judge. Furthermore, it has been alleged that they are not independent, since their judges are appointed directly by the Prime Minister. While appeals against their decisions may be brought before the Court of Cassation, the latter has sentenced a number of civilians to death and ordered their execution. The Committee against Torture has urged the Jordanian authorities to abolish the State security courts and allow the ordinary judiciary to recover full criminal jurisdiction in the country.³¹

4. Asia and the Pacific

43. Under Cambodian law, military courts have competence only in respect of military offences committed by military personnel. However, in a number of cases civilians have been tried by military courts, in contravention of international

²⁸ Ibid.

²⁹ CCPR/C/CAF/CO/2, para. 12.

³⁰ CCPR/CO/76/EGY, para. 16 (b).

³¹ *Official Records of the General Assembly, Fiftieth Session, Supplement No. 44 (A/50/44)*, paras. 159-182, in particular para. 175.

standards and the country's own domestic legislation.³² It is alleged that conflicts between the two jurisdictions have led to almost total impunity for military personnel who have committed criminal offences. In this connection, the Special Representative of the Secretary-General for human rights in Cambodia indicates, with reference to a series of summary executions committed by military personnel, that no cases have been investigated because, while the Public Prosecution branch has claimed jurisdiction, it cannot take action without the permission of the executive branch, and the Military Prosecutor has also claimed jurisdiction but has not initiated investigations.³³

44. In Nepal, Parliament is currently considering a proposed law on the reform of the army which also deals with military justice. The draft law, like the law currently in force, allows military courts to exercise jurisdiction in respect of gross human rights violations, such as extrajudicial executions, enforced disappearances and torture, committed by members of the army. It also stipulates that military personnel have immunity for any acts committed in the performance of their duties, even when such acts result in the death of an individual. Moreover, the draft law empowers the army to decide whether, where an offence falls within the competence of both jurisdictions, a case should be heard by the ordinary or the military courts. These provisions run counter to the relevant international standards. The Special Rapporteur urges the Nepalese legislature to adopt the amendments necessary to ensure that the draft law is in line with applicable international standards and that it guarantees that military personnel responsible for gross human rights violations are tried by ordinary courts and that conflicts of jurisdiction are resolved by a higher judicial body that forms part of the system of ordinary courts, in accordance with the draft principles governing the administration of justice through military tribunals (No. 17).

5. Central Asia, Europe and North America

45. During his visit to Tajikistan, the Special Rapporteur found that military justice plays an overly important role within the judicial system. Military courts give rulings in criminal and civil cases. They are competent to rule in civil cases provided that one of the parties is a member of the military and in criminal cases provided that at least one of the crimes (in cases where several crimes have been committed) or one of the accused (in cases where there are several accused) falls within the jurisdiction of military courts. Accordingly, military courts try civilians in both criminal and civil cases whenever a member of the military is involved, regardless of whether the case relates to simple civil liability or gross human rights violations. That legislation contravenes international standards on access to an impartial and independent tribunal and the right to an effective remedy in the case of human rights violations. In his report, the Special Rapporteur recommended the adoption of reforms to ensure that military courts had jurisdiction only over cases relating to crimes of a strictly military nature and that they did not have competence in cases in which one of the parties was a civilian.

³² The case of Cheam Channy and other examples of civilians tried by military courts appear in the October 2005 report (on continuing patterns of impunity in Cambodia) prepared by the former Special Representative of the Secretary-General for human rights in Cambodia.

³³ *Ibid.*, p. 24.

46. The same situation can be observed in various other countries in the region. For instance, in the Russian Federation, military courts are competent to investigate all offences committed by members of the army, the armed forces of the Ministry of the Interior and the Spetsnaz forces. However, in most cases the Office of the Military Prosecutor does not investigate cases involving military personnel.

47. With regard to the United States of America, in the joint report on the situation of detainees at Guantánamo Bay (E/CN.4/2006/120), the Special Rapporteur expressed his concern about conditions of detention, as set out below.

V. The situation of detainees at Guantánamo Bay

48. The Chairperson-Rapporteur of the Working Group on Arbitrary Detention, Leila Zerrougui, the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy, the Special Rapporteur on torture, Manfred Nowak, the Special Rapporteur on freedom of religion, Asma Jahangir, and the Special Rapporteur on the right to health, Paul Hunt, have been following the situation of the detainees at Guantánamo Bay individually since January 2002 and jointly since June 2004. They submitted their final report to the Commission on Human Rights in February 2006 (E/CN.4/2006/120). As it was not possible to visit the detention centre, the report is based on data provided by the United States Government, interviews with former detainees and responses from lawyers acting on behalf of certain detainees to questionnaires submitted by the experts. It is also based on information available in the public domain, including reports prepared by non-governmental organizations, official United States documents and media reports.

49. The report points out that the situation of the detainees at Guantánamo Bay violates the International Covenant on Civil and Political Rights, to which the United States is a party, and that the detainees are entitled to challenge the legality of their detention before a judicial body in accordance with international human rights instruments, failing which they should be released. The report also states that the executive branch of the United States Government operates as judge, prosecutor and defence counsel of the detainees; this constitutes a clear violation of various guarantees of the right to a fair trial before an independent tribunal. With respect to the conditions of detention, the report condemns the interrogation techniques being used, particularly if they are applied simultaneously, since they amount to inhuman and degrading treatment as defined in the Convention against Torture and the International Covenant on Civil and Political Rights. The report confirms that detainees have been victims of violations of the right to health and to freedom of religion and points out that the force-feeding of detainees on hunger strike and the use of violence during the transfer of detainees constitute torture, as defined in the Convention.

50. In view of this assessment, the five experts request the United States Government to close the detention facilities at Guantánamo Bay without delay. Until the closure, the Government should refrain from interrogation techniques and other practices that amount to torture or inhuman or degrading treatment and should respect unconditionally the detainees' right to health and to religious freedom. They reaffirm the applicability of international human rights law and international humanitarian law and demand that the detainees be afforded the guarantees set forth therein. They recommend that the Government investigate all allegations of torture

or ill-treatment and that the perpetrators, including the highest level of military and political command who ordered or tolerated such practices, be brought to justice. They also recommend that all victims of torture or degrading and inhuman treatment receive adequate compensation and that detainees not be transferred to countries where they could be subjected to torture.

Subsequent developments

51. Immediately following the issuance of the report, the European Parliament expressed its views on the matter and essentially endorsed the experts' conclusions and recommendations. Numerous non-governmental organizations, senior officials of European Governments and the Secretary-General himself took the same position.

52. In May 2006, the United Nations Committee against Torture issued its report on the United States Government's compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and on the future of the Guantánamo Bay detention centre. The report urges the Government to "close this detention facility, permit access by the detainees to judicial process or release them as soon as possible, ensuring that they are not returned to any State where they could face a real risk of being tortured", and notes that detaining these persons indefinitely constitutes per se a violation of the Convention against Torture.

53. On 29 June 2006, the United States Supreme Court itself, in its ruling in *Hamdan v. Rumsfeld*, confirmed the key points of the experts' report. The Court held that the "structure and procedures" of the military commissions violated both the Uniform Code of Military Justice of the United States "and the ... Geneva Conventions". The decision invalidated the exclusion of any person from the application of the standards of law based on his or her classification as an "enemy combatant". It found that the executive branch and the commissions had failed to secure properly sworn and authenticated evidence and had instead confined their arguments to emphasizing the detainees' status as "enemy combatants" or "terrorists". According to the decision, this status does not constitute grounds. The decision established the unlawfulness of this vague charge and of a subsequent charge of conspiracy brought against the detainee one year later; neither domestic law nor the law of war recognizes conspiracy as an offence that can be tried before a military commission. The decision stated that the President of the United States may not, in the absence of congressional authorization, deviate from legally established procedures for the establishment and operation of military commissions, even in the case of detainees classified as "enemy combatants" by the executive branch. (In fact, Congress denied the executive branch the legislative authority to create military commissions of the kind at issue here.) The decision condemned the violation of the detainee's right to a defence and, in particular, the basic right to be present at his trial, as provided in the Manual for Courts-Martial and the Uniform Code of Military Justice. It is important to note that it endorsed the application of common article 3 of the four Geneva Conventions, which requires that detainees be tried "by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples". The report underlines the importance of common article 3, which, because of its content and scope, constitutes a sort of "mini-convention" that establishes the minimum legal and humanitarian conditions that must be met by all States.

54. The Supreme Court decision opened up the possibility of finding a legal solution to the enormous problem facing the United States, whose military commissions have not only prevented the release of innocent people but have also failed to convict those responsible.

55. After the decision was issued, the United States Senate took steps to develop a new kind of tribunal to try the terrorist suspects detained at Guantánamo Bay or, in the alternative, to legalize the current commissions in compliance with the Supreme Court decision. On 7 July 2006, the Department of Defense instructed its staff to bring their policies, practices and guidelines into line with the provisions of common article 3 of the Geneva Conventions. However, this order applied to detainees in the custody of the Department of Defense but not to the detainees allegedly being held by other Government entities such as the Central Intelligence Agency (CIA), and therefore only partially complied with the Supreme Court decision.

56. In July 2006, the Inter-American Commission on Human Rights adopted resolution 1/06, which urged the United States Government "to close the Guantánamo Bay facility without delay"; to remove the detainees "in full accordance with ... international human rights and humanitarian law"; to "investigate, prosecute and punish any instances of torture or other cruel, inhuman or degrading treatment or punishment that may have occurred"; and to take the measures necessary to ensure detainees "a fair and transparent process before a competent, independent and impartial decision-maker".³⁴

57. The Special Rapporteur hopes that the recommendations of the five independent United Nations experts, the resolution of the Inter-American Commission on Human Rights and the ruling of the United States Supreme Court will be fully implemented so that the United States justice system can uphold its historical tradition of defending human rights.

VI. Supreme Iraqi Criminal Tribunal

58. As far back as 10 December 2003, the Special Rapporteur began expressing his reservations about the functioning of the Supreme Iraqi Criminal Tribunal and voicing his concern at the violation of international human rights principles and standards, in particular the right to be tried by an impartial and independent tribunal and the right to a defence. He has issued numerous press statements and has written several letters to the Government of Iraq in which he criticizes the deplorable conditions in which the trial of Saddam Hussein and his former aides is being conducted, and has expressed particular concern at how the ongoing violence and insecurity in the country has affected the proceedings. The violence is such that, since the beginning of the trial, one judge, five prospective judges, three of Saddam Hussein's defence lawyers and one Tribunal employee have been murdered and a third party has been seriously wounded. The Special Rapporteur will provide a detailed description of the follow-up in his next report to the Human Rights Council.

³⁴ Press release No. 27/06 of the Inter-American Commission on Human Rights.

VII. International Criminal Court

59. The Special Rapporteur has discussed the International Criminal Court in several of his reports because its establishment constitutes an important step forward in the fight against impunity and the protection of victims.

60. The Special Rapporteur points out that, between June 2005 and August 2006, the Governments of Mexico, the Comoros and Saint Kitts and Nevis ratified the Rome Statute of the International Criminal Court.

61. On 10 February 2006, Pre-Trial Chamber I of the International Criminal Court issued a warrant of arrest against Thomas Lubanga Dyilo of the Democratic Republic of the Congo, who is the leader and founder of the Union des patriotes congolais. He is alleged to have been involved in the commission of war crimes, namely enlisting and conscripting children under the age of 15 and using them to participate actively in hostilities. On 17 March 2006, Mr. Lubanga was arrested and surrendered to the Court, thanks to the cooperation of a number of States and international organizations. Finally, on 28 August, the Prosecutor of the Court brought charges against Mr. Lubanga. A hearing to confirm the charges is scheduled for 28 September 2006. If the charges are confirmed, this will be the first case to be heard by the Court, which, within 60 days, may (a) confirm the charges and proceed with the trial; (b) dismiss the charges; or (c) postpone the hearing to enable the Prosecutor to present more evidence.

62. The Special Rapporteur welcomes the International Criminal Court indictments as a fundamental step forward in bringing justice to the countless victims of the brutal conflicts in Ituri, Democratic Republic of the Congo. He also welcomes the investigations currently being conducted in Uganda and Darfur by the Prosecutor. The Darfur case was referred to the Court by the Security Council under the provisions of article 13 (b) of the Rome Statute.

VIII. Extraordinary Chambers in Cambodia

63. The Special Rapporteur is pleased that the Extraordinary Chambers in Cambodia have initiated the prosecution of the senior leaders of the Khmer Rouge for the heinous crimes committed between April 1975 and January 1979. On 3 July 2006, the Cambodian and international judges were finally sworn in. The Special Rapporteur urges the judges to conduct the trials in full compliance with international standards on the right to a fair, impartial and independent trial. He also expresses his concern at the delay in trying the alleged perpetrators, in view of their advanced age, and urges the authorities to move forward as quickly as possible in order to meet the demand for justice on the part of the survivors and Cambodian society.

IX. Conclusions and recommendations

Conclusions

64. Recent experiences and the continued practice of enforced disappearance of persons in different parts of the world demonstrate the urgent need for an internationally binding instrument, universal in scope, to punish the

perpetrators of these violations; obtain reparation for the victims; effectively curb impunity; and act to prevent and deter this practice.

65. In carrying out his mandate, the Special Rapporteur has noted numerous violations of the right to a defence and a fair trial as a result of the application of military jurisdiction. The report reveals that the broad jurisdiction granted to military tribunals in certain countries constitutes a serious obstacle to the enjoyment of human rights, in particular the right to be tried by a competent, independent and impartial tribunal.

Recommendations

66. The Special Rapporteur recommends that the General Assembly, at its sixty-first session, adopt the International Convention for the Protection of All Persons from Enforced Disappearance and open the Convention for signature, ratification and accession. He also recommends that all States sign and ratify this Convention without delay.

67. The Special Rapporteur invites the General Assembly to adopt the draft principles governing the administration of justice through military tribunals, once they are submitted for its consideration. These principles are essential for guaranteeing that the application of military justice is compatible with respect for human rights, particularly those rights that are exercised through the proper administration of justice.

68. The Special Rapporteur urges all States to bring their domestic legislation into line with international standards on military jurisdiction and to restrict such jurisdiction exclusively to crimes of a strictly military nature committed by military personnel in active service. In no case should military tribunals be competent to try civilians or to try military personnel who have committed serious violations of human rights, in accordance with the principle of functionality.

69. The Special Rapporteur urges States to respect the principle of the integrity of the judicial system and not to set up military or special commissions to try civilians suspected of terrorist or other criminal activities. In accordance with the precedents and jurisprudence outlined in this report, counter-terrorism cannot, under any circumstances, validly justify the violation of current international standards under which all persons have the right to be tried by a competent, independent and impartial tribunal.

70. The Special Rapporteur urges the United States Government to comply with the recommendations of the five independent United Nations experts, the resolution of the Inter-American Commission on Human Rights and the decision of the United States Supreme Court; to close the detention centre at Guantánamo Bay without delay; and to carry out all the measures requested in respect of the situation of the detainees.

71. As regards the trial of Saddam Hussein and his senior aides, the Special Rapporteur reiterates his previous recommendations, in particular that the trial be conducted in accordance with international standards or that an international criminal tribunal be constituted with the cooperation of the United Nations.

72. The Special Rapporteur recommends that the General Assembly adopt the United Nations Declaration on the Rights of Indigenous Peoples.